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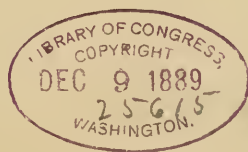


Mrs. G. R. King

THE LIFE AND LETTERS  
OF  
ROSCOE CONKLING,

*ORATOR, STATESMAN, ADVOCATE.*

BY  
ALFRED R. CONKLING, PH. B., LL. B.



NEW YORK:  
CHARLES L. WEBSTER & COMPANY.  
1889.

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*This Volume is respectfully dedicated to the  
People of New York, who conferred upon*

*ROSCOE CONKLING*

*the unusual honor of three successive elections to the  
Senate of the United States,*





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## PREFACE.

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THE biography of Roscoe Conkling must be, to a large extent, the political history of New York and of the United States from the year 1866 to the year 1884. The best part of his life was spent in the service of the State and the nation. When he was elected to Congress, he had won reputation as an orator and an advocate. From that time, down to the year 1881—excepting the term of the Thirty-eighth Congress—he zealously served his country in the legislative branch of the general Government.

Mr. Conkling was so much misunderstood and so imperfectly appreciated by those who did not personally know him, that an exhaustive biography seems necessary.

Soon after his death a brief memorial was published by order of the Legislature of the State of New York; but it was deemed by many of his friends inadequate to commemorate the life and public services of one who, for so many years, was the recognized leader of the Republican party in his native State, and one of its champions in the nation. The effort has been conscientiously made to set right, before a busy people, one whose repugnance to denying newspaper rumors and calumnies, and whose hatred of personal explanations, have allowed the world to remain in ignorance of his true character.

He is known chiefly as a public rather than as a pro-

fessional man, and yet the last seven years of his life, during which he was engaged in the practice of law in the city of New York, have given him a reputation as a jurist and an advocate second to none in his day.

The opinions of many competent persons are quoted to show that the author does not overestimate the professional ability and standing of Mr. Conkling.

In fact, one who would have a just idea of modern American eloquence must study the speeches and arguments of Roscoe Conkling; and it is believed that public educators may find in the chapter on "Oratory" some useful material for their pupils.

These pages will set forth his democratic spirit as well as his sympathy for the poor and the oppressed—especially for the negro race. He was bitterly opposed to slavery, and in his first term in Congress he denounced it in scathing language. Many letters and incidents of his life will furnish ample proof of his hatred of "man's inhumanity to man."

It has been the purpose of the writer to present an impartial life of one of the ablest orators and statesmen that the republic has ever produced; Roscoe Conkling has therefore been called, as it were, to the witness-stand of public opinion, and required to testify for himself. To this end, free use has been made of his speeches, arguments and letters, from the Presidential campaign of 1852 down to a day immediately preceding his fatal illness.

His speeches are too long and too numerous to print in a general biography. Accordingly, extracts only from the celebrated speeches will be given; and in some cases it is preferable to omit rather than to mutilate them.



It is in contemplation to publish a second volume of his best speeches, and it is believed that such a book will serve as a manual, not only of eloquence, but of recent American history.

A complete list of the names of persons who have kindly aided the author would fill a printed page, and he takes this opportunity to record his grateful sense of obligation to the gentlemen who have thus contributed to the value of this memoir.

He must not, however, fail to express his thanks to Hamilton Fish, Clarence A. Seward, Alonzo B. Cornell, Samuel Wilkeson, Theodore W. Dwight, Isaac H. Bailey, of New York; Francis Kernan, Daniel Batchelor, Theodore Pomeroy, William H. Watson, Charles M. Dennison, William H. Comstock, David C. Stoddard, William Blaikie, Addison C. Miller, William J. Bacon, of Utica; D. E. Wager, of Rome; Montgomery H. Throop, of Albany; James Parton, of Massachusetts; U. H. Painter, Samuel Shellabarger, George C. Gorham, of Washington; and James P. Boyd, of Philadelphia.



# LIFE AND LETTERS OF ROSCOE CONKLING.

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## PART FIRST.

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1635-1829.

### CHAPTER I.

#### GENEALOGY.

JOHN CONKLING was probably the first of a family which, for the greater part of the nineteenth century, has been conspicuous in American politics, statesmanship and jurisprudence. He lived in Nottinghamshire, England. The records of Saint Peter's parish church in this county show that John Conklin\* married Elizabeth Allseabrook, January 24, 1625. They had two sons, John and Ananias.

There is a tradition in the Long Island branch of the family that that branch came from Maidstone, in Kent. In the summer of 1886 the author visited Maidstone for the purpose of verifying

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\* So spelled in the original records.

this impression ; but in searching back to the year 1560, he found no trace of the Conkling family in the County of Kent.

Leaving England with his family about the year 1635, John Conkling landed at Boston, and settled at Salem, Massachusetts. He and his sons engaged in the manufacture of glass, and in the early land-grants they are described as "glasse-men." Their establishment is said by some historians of American industries to have been the first one of the sort in this country.

The earliest records of the Conkling family in the United States are to be found at Salem; and the following notes are taken from the original book of grants\* of this place.

[*From the Original Book of Grants of Salem.*]

(1) 25th day of the fourth moneth, 1638.

"Its ordered that Ananias Conclane and Willm Osborne shall have an acre apiece for house lotts.

(2) 25th day of the 12th moneth, 1638.

"Granted to Edmond Marshall 3 acres nere the 10 acre lott of Ananias Concline." [The latter was made a freeman in the same year.—A. R. C.]

(3) The 19th day of the 6th moneth, 1639.

"At a genall towne meeting granted to Ananias Concklyn one acre nere unto his dwelling house."

(4) A genall towne meeting the 11th day of the 10th moneth, 1639.

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\* It will be observed that the family name is written in five different ways, for the scribes of the period had no standard for spelling. The reasonable presumption is that there was but one stock of Conklings in America.

"Granted one acre more to Ananias Conclyn, and 2 acres a piece to the other tooe viz., Laurence Southwick & Obadiah Holmes, each of them 2 acres to be added to theire former lotts." [In the Glasse-house field.—A. R. C.]

(5) The 25th day of the first moneth, 1641.

"Granted to Ananias Conclyn a yard conteyning 20 pole."

(6) At a genall towne meeting the 27th of the 12th moneth 1642.

"Its promised by the towne that the 8 — that hath ben —n left by the court by the request of the towne to Ananias Conclyne and other poore people, shall be repayed the court at the next Indian corne harvest."

(7) At a meeting of the 7 men the 30th day of the 3rd moneth, 1649.

"Granted unto John Conclyne, Ananias Conclyne and Thomas Scudder to each of them 4 acres to be laid out in the meadow aforesaid."

The descendants of John Conkling have become numerous in the State of New York and have spread as far west as Illinois.

They had large families, and the name\* is now quite common throughout Long Island.

At present there are Conklings in eastern Massachusetts, at Philadelphia, at Cincinnati, at Cleveland, at Detroit, and in the cities of Chicago and Springfield, Illinois. The biographer is not aware that any of these families are related to Roscoe Conkling, although it has been said that the ex-Senator had near kinsmen at Springfield.

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\* In the counties of Queens and Suffolk it is now usually spelled Conklin, without the "g."

On or about the year 1649 John Conkling and his two sons moved to Suffolk County, New York, Ananias settling at Easthampton, John at Southold. Roscoe Conkling is descended from Ananias. John Conkling's birth and death are thus recorded on his tombstone:

"Here lyeth the body of Captain John Conkelyne, born in Nottinghamshire in Englande, who departed this life the sixth day of April at Southold on Long Island, in the sixty-fourth year of his age. Anno Domini, 1694."

Ananias Conkling had two sons, Jeremiah and Benjamin. The former married Mary, daughter of Lion Gardner, of Saybrook. Jeremiah Conkling, John Mulford and Thomas Ames bought, December 1, 1670, the tract of land between Fort Pond and Great Pond called "the nine score acre purchase." Jeremiah died March 14, 1712. His wife died June 15, 1726, at the age of eighty-nine. Jeremiah Conkling left two sons, David and Lewis. The latter was born in 1672. He settled in Amagansett about the year 1700, and about 1739 married Mary Stratton. He died October 2, 1746, leaving two sons, Sineus and Isaac, and four daughters. His wife, Mary, died November 15, 1752, aged seventy-six. Sineus Conkling was born September 6, 1718, married Clement Ayers about 1745, and died in 1810. He had two sons,

Isaac and Benjamin. The latter was the grandfather of Roscoe Conkling.

Benjamin was born in 1757. He became a farmer and taught himself Latin. He married Esther Hand and died in 1832. Benjamin Conkling had five children, viz: Sineus, Alfred, Nathaniel, Betsey and Phœbe. The first named married Miss Bowditch and died in 1880. Nathaniel died young. Betsey married Eleazer Conkling and Phœbe married a Dr. Sherman. Thus much for the uncles and aunts of Roscoe Conkling.

Alfred Conkling was born in an ancient frame house at Amagansett, two and a half miles from Easthampton, October 12, 1789. His uncle Isaac had long lived in the same mansion. Alfred attended the district school, and then prepared himself for college by studying with the village parson.

In his younger days he was fond of mischief. On one occasion he and a companion took shot-guns, and, disguised as highwaymen, stopped a stage-coach and frightened the passengers. Thereafter when the village schoolmaster wished to censure a boy he would often say, "You are as bad as Alfred Conkling and Charley Jones."

The former entered Union College in 1806 and was graduated in 1810. Thus far the family had

been engaged in agricultural and commerical pursuits. Alfred Conkling was the first to gain distinction in professional and public life. He married Eliza Cockburn, May 5, 1812. His wife was eighteen months his junior, having been born March 22, 1791.

She was the daughter of James Cockburn, who was by profession a civil engineer and a relative of the late Lord Chief-Justice Cockburn of England. James Cockburn left Scotland early in the eighteenth century and went to the Bermudas. Thence he came to New York, and for many years he lived in the central part of the State. He married Margaret, daughter of Colonel Hendrick Frey, a feudal lord in the valley of the Mohawk. Their daughter Eliza was a noted beauty of the time and was called the "belle of the Mohawk Valley." She was a graceful dancer, and an heiress for those days, having a fortune of several thousand dollars. At the time of his marriage, Alfred Conkling was a law student in the office of Daniel Cady, of Johnstown, one of the leading advocates of the Empire State. Here the young couple resided for a year. They then removed to Canajoharie, in Montgomery County, where they lived for twelve years. They had three daughters and four sons. The names of the latter were Frederick, Aurelian and Roscoe. The third



son was called Roscoe, but he died before the birth of the subject of this biography.

Alfred Conkling practiced law at Canajoharie until the year 1818. He was then, at the age of twenty-nine, elected District-Attorney of Montgomery County. On one occasion when, at a trial for murder, he was summing up, the prisoner, being a mason, made the sign of distress. District-Attorney Conkling was so enraged at the mere thought of the masonic order being used to defeat the ends of justice that he at once resigned from his lodge. In 1820 Alfred Conkling was elected to the seventeenth Congress, and in 1825 he was appointed United States District Judge for the northern district of New York. He held the latter position for twenty-seven years.

Judge Conkling was the author of several works on the law, viz.: 1. "The Young Citizen's Manual," 1836; 2. "Treatise on the Organization and Jurisdiction of the Supreme, Circuit and District Courts of the United States," 1842; 3. "Jurisdiction, Law and Practice in Admiralty and Maritime Causes," 1848; and 4. "Powers of the Executive Department of the United States," 1866. He also delivered many addresses before literary and collegiate societies. He had a keen, strong, highly cultivated intellect, an extraordinary charm of conversation, great power of labor, a courtly

manner, and a dignity that honored and guarded the high official trusts committed to his keeping.

He moved in 1829 to Albany, where Roscoe,\* the subject of this memoir, was born October 30, 1829. He was never baptized, but his mother called him Roscoe, after the celebrated author of that name, whose works she was then reading.

It is not generally known that Roscoe Conkling was born at Albany. For many years Judge Conkling's frame house at Amagansett, Suffolk County, New York, was commonly, although erroneously, pointed out to travelers as "Roscoe Conkling's birthplace." As recently as the summer of 1885 this house was thus described and shown to the author.

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\* Roscoe Conkling the first was born January 13, 1828, and died July 1, in the same year.

1829-1850.

## CHAPTER II.

### THE BOYHOOD OF ROSCOE CONKLING.

ROSCOE lived for nine years at Albany. His eldest brother, Frederick, was then a salesman in the wholesale dry-goods business at New York. The three sisters and the other brother resided at home.

Judge Conkling's district extended to Buffalo, and as the means of transportation were then primitive, he spent much time in traveling. During his quarter of a century on the bench he tried many admiralty and patent causes, as well as suits in bankruptcy. The bankrupt law was passed during his term, and the duties growing out of it proved very laborious to the Judge.

In the summer of 1839 Judge Conkling decided to change his residence from Albany to Auburn. When the family was about to move Roscoe met with a severe accident. He was kicked in the face by a horse, his jawbone being broken. When the wound was dressed the boy was told to remain in bed, but he disobeyed the orders of both father

and surgeon, and diverted himself by making and flying a kite on the afternoon of the day of the accident! When the physician permitted Roscoe to be moved, Judge Conkling, with his family, left Albany for Auburn on one of the common freight and passenger canal-boats. The trip lasted several days, and the discomforts of travel would be appalling to those who now roll in a Wagner car from the State capital to Auburn in six hours!

In the stern of the canal-boat was a small apartment which served as saloon and stateroom; at night a cloth curtain was hung in the middle to divide the sexes. There was then no newsboy at hand with his attractive comic and illustrated papers. In the absence of awnings, the tourists sat on deck and took sun-baths. When "Low-bridge!" was called, the ladies went below and the men "flattened" so as to avoid bumping their heads against the timbers; for there was not enough space for a chair on deck when the boat passed under a bridge. On Sunday the party reached Port Byron, which is seven miles from Auburn. Roscoe's trip on "Clinton's big ditch" made him a life-long friend of canals. It is worthy of remark that fifty years later, when a bill to appropriate \$1,000,000 was pending in the Legislature, a letter from Mr. Conkling was read wherein he advocated the pres-

ervation and improvement of the canals of New York.

It was at the suggestion of William H. Seward that Judge Conkling moved his family to Auburn. He lived at "Melrose," the name of his new residence, until about the year 1864. Roscoe was a romping boy and very fond of horses and dogs. His father gave him a white Canadian pony, which was the pride of his youthful days. His love of horseflesh clung to him, for in after years he once rode 500 miles in the far West. When a boy he had no taste for books and the work of the schoolroom was a hardship to him.

He remained at Melrose till 1842, when he went to the city of New York to enter the Mount Washington Collegiate Institute, of which Professor George W. Clarke was the principal. It will be remembered that Mr. Clarke afterward became a member of Assembly from the city of New York, and at the Republican State Convention of 1872 at Utica he nominated General John A. Dix for Governor. In leaving his son Roscoe with Professor Clarke, Judge Conkling said: "I have heard of you, and I want to put this lad of thirteen under your care. He is utterly untutored, but he must be trained to studious habits. Please start him on the road to college." Young Roscoe studied for an academic year at this institution.

It was during his residence in the metropolis that young Conkling received his first lessons in oratory. The eldest brother was then thirty years of age, and had acquired some reputation as a campaign speaker. They took lessons together from an English professor named Harvey, who had heard such masters of eloquence as Daniel O'Connell, Sir Robert Peel, and other political orators in the British Isles. They often delivered speeches to each other for the sake of practice, and used constantly a text-book, long since out of print, entitled "The Art of Speaking," published in London about the year 1787. In this volume were found not only the usual extracts from standard writers of prose and poetry, but also a thorough treatise on the art of expression, including all forms of facial action, as well as of gesture. In 1843 young Conkling entered the Auburn Academy, where he remained for three years.

Judge Conkling being a man of high standing in professional and social life, his house was visited by many learned and eminent men. In this atmosphere of law and politics Roscoe grew up, and having a very retentive memory, these early associations made him what might be called a boy of the world. Some of his father's visitors were Chancellor James Kent, ex-Presidents Van Buren and John Quincy Adams, ex-Governor Enos T.

Throop, Mr. Justice Smith Thompson, of the United States Supreme Court, and Thurlow Weed.

He had inherited from his father an aptitude for politics, a genius for debate, a love of literature and a strong taste and fitness for the law. The Judge devoted as much time as he could snatch from his official duties to teaching his youngest son. His informal lessons, however, did not include oratory; for, unlike his gifted son, the father was deficient in the qualities and graces of an orator.

A schoolmate of young Conkling, who is now one of the most distinguished citizens of New York, thus speaks of his boyhood:

Roscoe was large of his age, very athletic, vigorous in his movements, and easily superior to all others in the games and sports of childhood. He was noted then for the accuracy and copiousness of his diction. He was quick of learning, but had too much of a strong, physical, buoyant nature to make himself particularly observant of rules whose enforcement was supposed to be necessary to acquisition. He jumped the rules in every way a high-strung, boisterous boy could, but was never absent from recitation, never indifferent to the lessons, and was always up in class.

He was gifted then, as ever since, with a wonderful memory, not only for what he heard and read, but for localities, facts and faces. What cost others a great effort in this respect seemed to be an intuition with him. He was as large and massive in his mind as in his frame, and accomplished in his studies precisely what he did in his social life—a mastery and command which his companions yielded to him as his due. There was no antagonism to him or jealousy of him in this recognition of his



superiority, either in his class or on the playground. He was as loyal and chivalrous then as he was in after life; and to be his friend was tantamount to having a protector whom no one dared to disturb. His affluent strength and consciousness of his own ability made him easily a recognized leader, and the position was accorded without envy, friction or complaint. No classmate ever felt that his leadership was an act of usurpation, or in any sense domineering. Though only fifteen years old at this time, he had a great store of memorized poetry and adages on hand, which he quoted freely in his school speeches and playground conversations. This wonderful faculty grew with him, and no public man was ever better equipped with prose and poetical quotations illustrative of his thoughts and arguments.

Young Conkling's education was academic only. His impatience to begin the battle of life was such that he declined to enter upon a collegiate course of study.

The reader will remember that in the fall of 1842 Judge Conkling, in placing his son at Professor Clarke's school, said, "Please start him on the road to college." The Judge being a graduate of Union College, it is probable that Roscoe would have entered this institution had he wished for a collegiate education.

In the year 1846 he removed to Utica and entered the law offices of Spencer & Kernan as a student. Joshua A. Spencer was then one of the leading lawyers of the country. He had just successfully defended McLeod, under indictment for murder, and he had thus won fresh laurels in an international case which threatened to in-



volve the United States in a war with England. Francis Kernan had been his partner since 1840.

Mr. Spencer was kind to the students in the office, but he was often absent from home, and too busy in the preparation of his cases specially to instruct any of the young men. He, however, gave to young Conkling during his four years' term of study in the office many valuable hints, which were not forgotten. In August, 1879, while speaking to a friend concerning the importance of pressing a case to trial at the right time, the writer heard Mr. Conkling remark, "Spencer used to say, 'Beat them when you can.'"

The young man studied the characters of his preceptors, and while he made neither his model, he learned lessons from each. He admired Mr. Spencer's magnificent manner of accomplishing results, and emulated Mr. Kernan's application and exactness.

Both Spencer and Conkling belonged to the Whig party, and the following anecdote shows that the former was, perhaps, responsible for the *début* of the latter as a campaign speaker. One day a countryman came to the great advocate and said: "Mr. Spencer, we want a man to speak at a Whig meeting out in our village. Send us some one who can assert himself, for there's a

big bully among the Democrats who breaks up our meetings." The reply was, "I shall send Mr. Conkling; I think he will make himself heard."

During the terrible famine in Ireland of 1847, Roscoe Conkling was but eighteen years of age, and yet his deep sympathy for the sufferers beyond the sea enlisted him in their cause. He spoke at various places in Central New York in behalf of the starving multitudes of the Emerald Isle.

When Roscoe Conkling became a resident of Utica, he soon entered the "society" of the city. Surrounded by a score of strong families, he improved his opportunities for social culture and refinement.

Mr. Conkling spent his evenings to a great extent in the study of the best English literature, with which he became quite familiar and in which he took much delight. Of foreign languages he was ignorant, and so he remained till the day of his death.

During the autumn of 1848 young Conkling spoke in behalf of the Whig candidates (Taylor and Fillmore) in a public hall at Rome. On this occasion the Hon. B. J. Beach (who was then the Whig member of Assembly from that district) presided, and at the close of his remarks con-

gratulated the speaker "for the marked ability of his effort."

Referring to his abhorrence of slavery, a distinguished citizen of Utica, Mr. Theodore Pomeroy, has recently related the following anecdote :

When Mr. Conkling was a law student at Utica, on a certain occasion he happened to meet at the writer's residence a gentleman who since has occupied an important professorship in one of our oldest and most noted colleges. This gentleman being a Southerner by birth, and then imbued with Southern sentiments on the subject of slavery, in a conversation with Mr. Conkling entered upon an argumentative discussion in behalf of slavery in the Southern States. Young Conkling at once engaged in the discussion with characteristic point and power, arguing against the pretensions and claims of the South on this vital question, which, less than fifteen years thereafter, plunged the country into the horrors of civil war. The position assumed by Mr. Conkling in that early discussion in favor of freedom and human rights was maintained by him with such an exhibition of intellectual skill and power, that the gentleman asked the writer, "Who is that young man I have so long been conversing with?" On being informed that he was a law student, Roscoe Conkling by name, he replied, "We will hear from him hereafter." The writer well remembers the impression that discussion of nearly forty years ago made upon the two or three persons that heard it, listening with no little surprise to the keen and decisive arguments with which he easily met and overpowered his skillful antagonist. But at that time we little imagined this brilliant young student was destined to become the most able and powerful of national leaders in advocating the claims of freedom and humanity, to result in the final overthrow of the gigantic wrong contemplated by making human slavery the corner-stone of the Republic.

Mr. Conkling now began to use a series of scrap-books. His collections of news cuttings,

Congressional and campaign speeches, and printed legal arguments are very comprehensive.

Concerning the canal policy of the Empire State, Mr. Conkling was an ardent Whig, and a son of one who supported Governor Clinton in his great achievement of beginning and completing the Erie Canal. He believed that cheap channels of trade and transportation, safe and spacious harbors, and navigable rivers free from impediment were essential to the prosperity of the State and nation. It is worthy of remark that nine years later, during his first Congressional campaign, Roscoe Conkling spoke of himself as "a Seward Whig." He was called "a busy personal and political ally of William H. Seward."

In the days of the old Whig party Mr. Conkling was a "Woolly Head" of the strongest Free-soil stamp. He remained with this faction of the Whig party until he joined the Republican party, soon after its organization.

1850-1853.

### CHAPTER III.

#### THE YOUNG LAWYER.

LIKE that Revolutionary patriot, Gouverneur Morris, Roscoe Conkling was in the practice of law before he was of age. He was admitted to the bar in the early part of 1850, when in his twenty-first year. It is worthy of remark that his first law-suit was argued before Judge Conkling in the United States District Court at Utica. Although the Judge was a very Brutus in his utter want of partiality toward his son under such circumstances, young Conkling won his case.

Soon after his admission to the bar Mr. Conkling went with a party of citizens to Albany, and appeared before the Governor as their spokesman concerning a public measure. The office of District-Attorney then became vacant by the resignation of Calvert Comstock. Governor Fish appointed Roscoe Conkling April 22, 1850, to fill the place. The latter held the position throughout the year.

The following letter, which was lately written by ex-Governor Fish to the author, thus explains the appointment of Roscoe Conkling :

NEW YORK, March 2, 1889. }  
 251 East Seventeenth Street. }

*Dear Sir*—. . . . I have but slight recollection of the circumstances (beyond the general fact) of the appointment of your uncle as District-Attorney of Oneida County. I remember his presence in Albany—it was the first time I had met him—and that I was struck with his youthful appearance and the force of his manner. My present impression is that a vacancy had arisen in the office, and that the Whigs (we were Whigs at that time) and the bar and bench of the county, and a public concurrence of preference and recommendation, indicated Roscoe Conkling as the person to fill the vacancy. However perfunctory may have been my agency in this regard, I shall be pleased to think that I had some participation in the first introduction into official public life of Roscoe Conkling.

\* \* \* \* \*

Very faithfully yours,

HAMILTON FISH.

Daniel Batchelor, of Utica, says of Roscoe Conkling :

In his early days Mr. Conkling was not very popular amongst the legal profession, for he not only carried himself with an air of conscious superiority, but had also a rough side to his tongue. He could kill with an epithet or a metaphor just as easily then as, in after years, when in court or Senate he lanced an opponent. He once said of a bejewelled and much bedizened fop : “ He looks like the cathedral of Milan decorated with five thousand statues and *bas-reliefs* ! ”

Extreme cleanliness, aversion to jewelry and perfumery on his person, were traits of his personal character. Method, order, arrangement, were his triune synonyms, and these qualities governed his mental nature, as well as the use of the materials with which he worked. He would not read the newspaper till he had smoothly folded it the size of an even quarto or octavo ; nor would he put a bank-bill into his wallet until it was folded midway the length, and then exactly over the middle width.



This precision in everything was one of the traits that led to his great success in after life, for when meeting, as he sometimes did, men of more knowledge than himself, he easily defeated them by the use of his ready burnished weapons. His arrows were never entangled in the quiver, but were quickly drawn, and driven to the mark.

Mr. Conkling's commission as District-Attorney was at once a passport to political as well as legal consideration. His twenty-first birthday was then six months in the future. He assumed immediately the responsibilities of the office, and decided to try cases without the aid of older counsel. This he did with much success, conducting the trials of persons indicted for arson, larceny, forgery, and homicide. In the autumn Mr. Conkling was nominated as his own successor. The Whig ticket was defeated, but he received several hundred more votes than were given to his associates. Upon the expiration of his term of District-Attorney, Mr. Conkling opened a law office at Utica. He soon entered into partnership with the Hon. Thomas R. Walker, an ex-mayor of the city, and remained with him until 1855. Mr. Walker was an intimate friend of Mr. Conkling, and had a strong taste for English literature, which was of course a bond of union between them.

Mr. Conkling was very fond of poetry. In his scrap-book of 1849 we find some of the earlier

poems of Whittier, Bryant, Longfellow, Holmes, Drake and Prentice, as well as many verses by the newspaper poets of the period.

On September 13, 1851, as shown by the name and date in Mr. Conkling's handwriting on the fly-leaf, he bought the *Works of Lord Byron*, in verse and prose, including his letters and journals. Many passages throughout this volume have his pencil marks in the margin. This is noticeable in the "Giaour," "Corsair" and "Childe Harold's Pilgrimage." The first-named poem was in substance committed to memory by Mr. Conkling several years afterward. The pages of "Childe Harold" contain many marks.

The closing lines from the tenth stanza of "Mazeppa" are marked. These are very characteristic of the latter years of his life and illustrate his proud spirit.

"For time at last sets all things even—  
And if we do but watch the hour,  
There never yet was human power  
Which could evade, if unforgiven,  
The patient search and vigil long  
Of him who treasures up a wrong."

One of his favorite verses was:

"Still was his soul unsated  
As the ocean on the beach  
Moans for the inland quiet  
Its waves can never reach."



A young lawyer is often retained to oppose his former legal preceptors and counselors. It so happened that Francis Kernan was destined to cross swords with Roscoe Conkling in both legal and political arenas. For fully fifteen years these two lawyers were frequently engaged on opposite sides of important cases. They were also competing candidates for Congressional honors in the campaigns of 1862 and 1864, and they afterward became colleagues in the Senate.

After forming the legal partnership with the late Thomas R. Walker, Mr. Conkling rapidly rose to prominence at the bar of Oneida County, which, for a quarter of a century, had furnished many distinguished men to the Bench and the State government. The list included such leading lawyers as Joshua A. Spencer, Francis Kernan, William and Charles Tracy, William J. Bacon, Philo Gridley, Samuel Beardsley, Timothy Jenkins, Ward Hunt, Charles H. Doolittle, P. Sheldon Root, Charles P. Kirkland, Hiram Denio, D. C. Pomeroy and Henry A. Foster.

Mr. Conkling's experience as public prosecutor had given him much more court practice than a young man just admitted to the bar usually obtains. He soon won a reputation for brilliancy in the court-room. He had great confidence in himself. His quick retorts and the thorough prepara-

tion of his cases often disconcerted older attorneys, who were disposed to try suits on general knowledge. At this early age the young advocate adopted the rule to make his client's cause his own.

It is not too much to say that no lawyer in New York ever devoted himself more earnestly to the interests of his clients than did Roscoe Conkling. He had great aptness in preparing a case which required technical knowledge.

The biographer wishes to give a tolerably full record of Roscoe Conkling's early life at the bar for two reasons :

*First.* His enemies (even in obituary notices) have asserted that legal practice was distasteful to him, and that hence it was abandoned for political honors ; and *second*, because the fame of the advocate is short-lived, and he is not generally appreciated by those who do not personally know him.

It was in these early years that Roscoe Conkling laid the foundation of his great forensic eloquence. His contemporaries state that he was then an awkward and somewhat hesitating speaker.

One day, in conversation with a prominent public man of Utica, his older brother Aurelian said, in his presence, "Mr. B——, what do you think of Roscoe's elocution?" The answer was, "I don't like the parenthesis;" whereupon Roscoe

exclaimed, "What's that?" Mr. B—— then explained the "parenthesis" by placing his arms akimbo. The young orator saw the point at once and afterward avoided this ungraceful position.

Like many young attorneys, Mr. Conkling combined law with politics. The year 1852 was the period of another national contest; and the time had come for the Whig party "to do or die."

The Whig party was about to split on the subject of slavery in the Territories. Although young Conkling was born in a slave-holder's family, we have already learned of his abhorrence to enslavement. He entered the canvass early, for among his old papers there is the outline of a campaign speech, dated June 28. It consists of fourteen heads. To show the reader Mr. Conkling's habit of speaking from memoranda, it is given below just as he wrote it. The speech was delivered at Mechanics' Hall in Utica June 29.

- (1) Vast and various misinformation, &c.
- (2) Kangaroo ticket.
- (3) History could be written without the use of P.'s name.
- (4) History of the world made up of the biography of men, &c.
- (5) Geo. M. Dallas and Pillow spoke at Philadelphia of the religious test, &c. "Save me from my friends, &c."
- (6) P.'s letter of acceptance, "painful apprehension," victim for Nov. sacrifice. Masses said in all the Democratic churches.
- (7) Political nightmare.
- (8) Platform. Geographers look at celestial bodies, &c.

(9) Father's biography. Noble birth. Lamps lit at Mercer street oil house. Ohio paper thinks he took possession of Pike's army at York in 1814.

(10) Scott at Lundy's Lane. Shooting off his epaulettes.

(11) Pierce a Gin, like. How many legs has the cat, calling her tail one; but four, as calling her tail one does not make it one.

(12) "Our army swore terribly in Flanders."

(13) "All Pierce's relatives," soldiers, only equaled by Tony Lumpkin's account; he said his father was in the Grenadiers, his uncle was a colonel in the militia, and his aunt was a justice of the peace.

(14) Tammany society wrote a letter of invitation to a man who hung himself 3 years ago.

It will be seen that the speech refers entirely to the Presidential candidates.

During the campaign Roscoe Conkling made several speeches. Two of them, which refer to national issues, were written out before delivery. So far as the biographer knows, these are the only cases where, since his entrance to public life, he thus prepared a stump-speech. Extracts from these addresses will be published on subsequent pages. As an exercise of memory, he often wrote down from recollection remarks which he had made in public. We print a part of such a composition. The indorsement on the address shows that it was delivered in Ulster County, New York, in 1852. The reader may compare young Conkling's style (as shown in this extract) with his mode of expressing thought after entering the Senate of the United States.

There may be those before me who consider the approaching election a mere ripple in the current of political events—who regard it as a mere choice between individuals, a mere personal preference for men. But he who duly ponders upon the subject cannot resist the conclusion that, in the magnitude and duration of its results, it stands almost unrivalled in the history of our popular elections. Never before, but once, has been presented unembarrassed to the American people the leading issue of the present contest. In 1844 the great question upon the political *tapis* was the annexation of Texas. In 1848 the Wilmot Proviso was before the country, and questions springing from slavery and the Territories were the absorbing topics of that campaign. In 1840 was presented, as is now presented to the electors of America, the principle of protecting home manufactures, and then that principle was affirmed with a unanimity without parallel in the history of controverted political doctrines. With the election of General Harrison in 1840 came a Whig Congress, and with a Whig Congress came the Tariff of 1842. Of the results which followed, it is not necessary for me to speak.

Every rivulet in the free States was becoming harnessed and filtered by machinery; almost every stream was made to work its passage to the ocean, and the very foam upon its bosom became a circulating medium. In 1844 we were defeated, partly by the introduction of the Texas question, but partly by another cause, which it is well to pause to consider. Long before the canvass closed it was understood that the State of Pennsylvania would be the Waterloo of the contest, and that the vote of that State must be carried for Mr. Polk, or his election be lost. The vote of Pennsylvania was carried for Polk and Dallas, and how was it done? By an appeal to the popularity of the Whig doctrine of "Protection to American Labor." By the circulation of the Kane letter and other kindred frauds, pledging Mr. Polk to a protective tariff. Bald and shallow as the deception was, it succeeded; and the votes of the manufacturers and operatives of the State of Pennsylvania were procured for men who, when once secure in their places, turned out to be the most bitter, unrelenting, uncompromising foes of the best interests of those whose support had raised them to power. With the defeat of Mr. Clay

in 1844 came a Locofoco Congress, and then followed a repeal of the Tariff of 1842.

Thus Mr. Conkling described the depression of business:

The effects of this change are now before us. The darkness of night is now resting upon populous regions which then were luminous with the fires of prosperity and industry; and where once the clatter of machinery and the busy hum of well-paid labor was heard, the death-like stillness is now unbroken, save by the sound of the sheriff's hammer. If you would know what has befallen the manufacturers of Pennsylvania, you will find in the newspapers of that State, under the sheriff's advertisements, the scanty story of their fate. One of the public prints in the county of Clarion contains seven columns of execution advertisements, the property to be sold consisting exclusively of manufacturing buildings and apparatus. Twenty-three furnaces and workshops have already been sold at public vendue, upon executions against their ruined owners, and all to fulfil the destiny of the horizontal, Locofoco, *ad valorem*, free-trade tariff of 1846.

Now, again, for the first time since 1840, is presented to your consideration, unentangled with any paramount issue, the question of protecting American labor; and the decision now to be rendered upon that question will endure perhaps as long as our political institutions endure, either as a monument of political wisdom or a monument of political folly.

Here the speaker referred to certain English influences upon our elections :

It has often been said, I believe truly, that money was sent here from abroad to carry our elections in favor of the principles and candidates of free trade; but never before, as far as I know, since the separation of the colonies from the mother country has so open and avowed an intimacy existed between the politicians of England and the Old World and the politics of this country as now.



That General Pierce is running with great popularity among the rich men and capitalists of England is sufficiently manifest from articles in the *London Times*, the *London Leader*, the *Birmingham* and *Manchester* newspapers, and the other free-trade presses of England. If you have read them, you have read denunciations of General Scott and encomiums upon General Pierce, for the avowed reason that Mr. Pierce, if elected, will prove "a *valuable practical ally to the commercial policy of Great Britain.*" It is because an American President will exert the power of his office to maintain a policy which, if established, will realize the British manufacturer's boast, that "he will clothe the world," a policy which, if carried out to the uttermost, will render the whole ocean one splendid parade-ground for the navies of England. And why? Because America cannot, and, for one, I trust in God she will never, sink so low in wretchedness that she can compete unaided in cheapness of products with the pauper labor of England. Because a system exists in England, a system of double-distilled slavery, a system of grinding oppression, a political and social system, which enables the rich man to wring from the poor man the products of his labor at prices at which an American mechanic would starve. Because human beings in England live like beasts, and the tariff of wages is so adjusted as just to prevent starvation, without leaving to the laborer one farthing for any of the necessities peculiar to human life. Every American elector before casting his vote should hear or read an account of the lives of the manufacturing population in the dominions of the British Queen. He should know something of the existence of those whose fingers spin the fabrics and manufacture the articles which are sent here from abroad.

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He will then appreciate in part the merits of the principles of "*free-trade*," a system which flourishes in England because its basis there is money against life, so many pieces of silver for so many ounces of blood.

Every American who would estimate the reason that England is able to produce manufactured articles cheaper than we can, should remember the awful tribute-money paid in life and health and misery by the poor into the coffers of the rich.

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American slavery is spoken of as an unmixed and unmitigated social, political and moral evil. I believe it is one of the blackest and bloodiest pictures in the book of modern times. Surely there can be few greater monstrosities than the proposition that man can hold property in man, that one race has a right to enslave another, whose only sin consists in being the progeny of tiger-hunters on the gold coast of Africa, and I have to meditate upon the justice of Almighty Providence, and to believe that the man is not now unborn by whose hand the accursed institution of American slavery shall perish from the earth! But American slavery compared to English slavery, compared in the magnitude of its horrors with the oppression of the laborers of Great Britain, compared with the condition of things which must exist here before Americans can compete with Englishmen in cheapness of manufactured productions—American slavery, when brought into contrast with these, is as much to be preferred as the Christian religion is preferable to the dark idolatry of chance.

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In this campaign Mr. Conkling's speeches were more "personal" than those of later years, when he became one of the ablest orators of the Union. Without referring to the private life of Scott and Pierce, he indulged in personalities. He gave his hearers many sharp sayings. He praised Scott and ridiculed Pierce. After the nomination of the State ticket in September, he varied the discussion of national affairs with State issues. He said much concerning canals and river and harbor improvements. He dwelt upon the fact that the candidate of the Democratic party had usually opposed internal improvements. Roscoe Conkling acquired early the habit of quoting poetry in



his addresses. He was also fond of recitation, his favorite pieces being Campbell's "Lord Ullin's Daughter," and "Belshazzar's Feast," by Byron. In later years he rarely spoke in Congress or upon the platform without repeating one or more lines from some standard author.

In a ratification meeting at Rome he referred to the recent death of Henry Clay\*, the great Whig leader, who came so near being elected President in 1844.

When Winfield Scott was canvassing the State, Roscoe Conkling was introduced to him as "the rising young orator, who would stump the northern tier of counties of New York." The interview took place at Schenectady on a New York Central Railroad train. "Tell our friends, Mr. Conkling," said the hero of the Mexican War, "I am certain of carrying all but nine States in the Union, and we will probably carry all but three." Young Conkling smiled, but remained silent, for he knew that General Scott had drawn a long bow. The sequel showed that Scott, like Henry Clay in 1824, received the electoral vote of but four States; viz., Vermont, Massachusetts, Kentucky and Tennessee.

The Whig State Convention of 128 delegates met in the City Hall at Syracuse, September 22,

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\* At Washington, June 29, 1852.

1852. On that occasion there was a contest in the Fourth Assembly District of Oneida County (north of Utica). It was adjudged to the contestant, who then made Roscoe Conkling his substitute. The Convention was a very staid body. Washington Hunt, of Niagara, was renominated for Governor; William Kent, of New York, was named for Lieutenant-Governor; and Thomas R. Kempshall, of Monroe, for Canal Commissioner. Up to this time not a ripple disturbed the political surface. The several candidates had been proposed and nominated without even the semblance of a contest. When the nomination for Inspector of State Prisons was announced, Epenetus Crosby, of Dutchess, the "Silver Gray," was named. Mr. Conkling then arose, and proposed A. D. Barber, an innkeeper at New London, on the Erie Canal. The correspondent\* of the Associated Press has recently given the author the following account of this speech:

Mr. Conkling was youthful in appearance, but by no means boyish. His manner was daring, impassioned, and as if desirous to make a good impression. He appeared more courteous and deferential than any other speaker. The others were grave, like a Presbyterian conference meeting; he was like a young man in a debating society, resolute to carry his point, and eager to make a good impression.

His later efforts were generally somewhat different. His voice was pleasant in tone, the emphasis and cadences well

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\* Dr. Alexander Wilder.

turned—as though fresh from school, and yet no schoolboy ; and I remember that I liked to hear him.

His dress was almost “foppish.” It was everything in place, and set him off well. Indeed, it was as a part of him ; which is the true excellence of clothing. His movements were rapid, but not sudden.

It was in this canvass that Mr. Conkling won his reputation as a campaign speaker.

The Whig County Convention assembled at American Hall, Rome, September 30. Mr. Conkling was a delegate from the fourth ward of Utica. When nominations for member of Congress were in order he presented the name of the Hon. William J. Bacon. He did not, however, receive the support of the convention, for when a ballot was taken, Orsamus B. Matteson was nominated by a large majority. Mr. Conkling then moved that the nomination of Mr. Matteson be made unanimous. The delegates then proceeded to ballot for sheriff, county clerk, coroner and other officers.

In the early part of October a bolt was organized in the Whig party, which resulted in the nomination of the Hon. Joshua A. Spencer as an independent candidate for Congress. Mr. Conkling, having been a pupil of Mr. Spencer, felt under personal obligations to him for many acts of kindness. He also admired, as all who knew him did, the ability and character of that Nestor of the Oneida bar. Mr. Matteson was the regular Whig

candidate, but had no personal claims of any sort on Mr. Conkling. Yet Mr. Conkling took strong and active ground for Mr. Matteson, as well as for the rest of the ticket. For his zeal and efficiency in that behalf, he received the censure of many who knew his relations with Mr. Spencer. Mr. Conkling, however, then recognized the vitality of political principles and the necessity of party organizations for putting them in practice. For that reason he opposed his near and revered friend, and supported, to the extent of his ability, the "regular" candidate of his party.

During the remainder of the campaign Roscoe Conkling devoted much time to the support of the Whig ticket. He spoke at Newark, N. J., near Elizabeth, where General Scott then resided. Judging from his custom of later years, he must have paid the expenses of his trip to New Jersey. Considering his small means, this was a sacrifice of interest to political duty. The last Whig rally of the campaign in Oswego County was held at the City Hall in Oswego November 1, the eve of the national election. All citizens in favor of prosecuting the work on the Oswego Canal were urged to attend. Mr. Conkling was one of the speakers, and concerning him the *Daily Times* said, "Mr. Conkling is the man to expose the soft-soap fallacies of Horatio Seymour."

The second of November was a disastrous day for the Whigs. The result of the national election showed that Franklin Pierce had carried all but four States, and that his plurality over General Scott was 215,000. At the same time the Free-soil Democrats polled 156,000 votes for Hale and Julian. The Whig State ticket was also defeated, Horatio Seymour being successful. This election proved to be the funeral of the Whigs as a national party. Slavery and "know-nothingism" speedily became the leading issues in national politics.

As to Roscoe Conkling's high courage, a companion of his youth relates the following :

When Mr. Conkling was about thirty years of age I was once going with him towards Genesee Street bridge, when we saw a negro on the dock dripping wet and shivering. A lot of loafers were laughing at him. Mr. Conkling, on learning that one of these fellows had thrown the poor negro into the canal, rapidly descended the steps and asked: "Which of you cowardly rascals threw that man into the canal?" No one answering, Mr. Conkling again said: "If I knew who the dastardly whelp was, I would throw him into the canal. Will somebody point him out to me?" No one replying, Mr. Conkling berated and defied the entire crowd, not one of which dared to open his mouth. On one occasion, after Mr. Conkling had been cheated out of his election, he denounced at a large public meeting, two of the corrupters, who were rich and influential, as "A, the thief, and B, the accomplice." And yet he rarely spoke of a traducer, and never berated him to anybody; a mere "Yes" and "No" was about all he would say of such an one, or, "He is not worth talking of." If a person of influence was incorrigible, Mr. Conkling would say, "We won't talk

about him, we will fight him;" and it was the inspiring fighting qualities of Mr. Conkling, his intrepidity and endurance, that carried him through in many a conflict.

He was kind and charitable to the poor, and ever accessible to such, and also to the humblest laborer. With the intellectual he would hold high converse. With the unlearned he was very patient, and seemed to delight in talking down to their level.

It is also quite certain that he knew the colloquial vernacular, and could use it as deftly as a drayman or a stevedore. A significant story, either denunciatory or witty, he always enjoyed, and he would repeat it with much laughter.

Roscoe Conkling was always an ardent advocate of physical culture, and took great pride in maintaining his magnificent physique in the most robust condition. His muscular exercise consisted in horseback-riding and boxing. Soon after his admission to the bar he bought a fine horse, which soon became nearly as famous on the streets of Utica as was the rider. While mounted he would often stop and shake hands with a day-laborer. This habit was said by his critics to be a way of fishing for votes, to the end that he might curry favor with the common people.

He frequently sparred with "Bill" Supple, then a noted athlete of Utica, and now (1889) the janitor of the City Hall. In a recent conversation with the writer, Mr. Supple said, "While boxing, the Senator was very quick in getting back his head out of my reach." Mr. Conkling's taste for sparring in those days led to a great liberty, which



the newspaper correspondents at Washington took with his name after he entered the Senate. At frequent intervals, when short of material for letters, they would write and "revamp," with variations, the well-known story of a dinner-party at the house of Senator "Zach" Chandler, after which the company adjourned to the library, and Senator Conkling was alleged to have put on the gloves with a Mr. "Howard," of Detroit. The mysterious gentleman was originally "Ned" Price the noted pugilist. Later on he was said to be "Jem" Mace. As the result of the boxing-match, Senator Conkling, in the language of the prize ring, was "knocked out."

It is unnecessary to say that the story was absolutely false.

In 1852 Roscoe Conkling was presented by his brother Frederick with a copy of Professor C. A. Goodrich's *Select British Eloquence*. He affixed pencil marks to many passages in the writings of the great forensic orators, Chatham, Burke, Fox, Pitt, Erskine, Mansfield and Grattan. A careful perusal of his speeches shows that in later years he often quoted these masters of eloquence, as well as the pieces of poetry which he learned in his early life.

Mr. Conkling was also a great admirer and frequent quoter of Lord Macaulay. In his earlier

years he bought an edition of this author's *Miscellaneous Essays*, which he used much as a *vademecum*. Looking through this volume, we find copious pencil marks in the margin of the "gems" in the essays on Milton, Machiavelli, Mackintosh's *History of the Revolution in England in 1688*, Hallam's *Constitutional History*, Boswell's *Life of Johnson*, Thackeray's *History of the Earl of Chatham*, Mitford's *History of Greece*, *Frederick the Great*, the *Lays of Ancient Rome* and Barère's *Memoirs*. A transcript of the above passages would consume too much space in this volume. Suffice it to say that in some essays, *e. g.*, Milton, long paragraphs are marked, the substance of which Mr. Conkling committed to memory. In the last speech written by him, viz., "Remarks to be made upon the death of Chief-Justice Waite at the memorial meeting of the Bar Association of the city of New York," we find a quotation from page 16 of Macaulay's description of the Puritans in the essay on Milton. This address is published *in full* in the latter part of this volume.

In December Mr. John Bryan gave a banquet at Utica to some friends of the Irish cause. A reference was made to Judge Conkling, who was then the American Minister to Mexico. Mr. Conkling made a short speech the substance of which is here given just as he wrote it. The in-



dorsement reads, "Return of thanks at Mr. Bryan's supper, Dec. 6, 1852.—R. C."

*Gentlemen*—You will believe that I am not without hesitation or emotion in rising to tender to you all my heartfelt thanks for the friendly sentiment which has been offered and received in honor of one dear to me, now far away performing a distant pilgrimage as the servant of his country. Beyond acknowledging, in behalf of my absent father, the compliment paid to him, I should not attempt a word on this occasion, hallowed as it is by the presence of the illustrious stranger in honor of whom we have met together.

To an occasion like this, faultless save that, like everything dear and fair, it is passing away—to an occasion when, as the poet has expressed it,

"Wishes for fair ones are around offered up  
From each lip that is wet with the dew of the cup,"

nothing which I could say would be a desirable addition : there are too many others, there is too much else here to please and engage your attention. Before sitting down, however, suffer me to give you as a sentiment the fate of an isle of the ocean lying "far from the land where her young hero" breathes. May the shamrock spring up on her bosom, where now stand the barracks of a British soldiery, and may no more sacrilegious foot-prints be left upon turf once pressed by the feet of liberty.

A famous case in its day was the trial of Sylvester Hadcock for the crime of forgery. It was Roscoe Conkling's second case at the bar of Herkimer. The indictment was found at a Court of Oyer and Terminer, held May, 1853, in that county. At the December term in the same year the prisoner was brought to trial before Judge W. F. Allen. Mr. Conkling defended the accused, and proved that his client could not write,

whereupon the jury rendered a verdict of "not guilty."

It was a great victory for him, for his old and able preceptor, Joshua A. Spencer, aided the District-Attorney. He took great exception to Mr. Spencer's part in the case. He argued that one Roger Hawkins was the real plaintiff, and that he had retained the famous advocate to persecute his client. After the trial, Mr. Conkling wrote out the substance of his "summing up," but it is too long for publication. It is dated January 22, 1854.

Mr. B. F. Maxson, who is now (1889) a member of the Rochester bar, was associated with Mr. Conkling in the defence of Hadcock; and, in a recent letter to the author, he gives the following account of this noted trial :

Among the earlier notable efforts of Roscoe Conkling may be mentioned the case of the People against Sylvester Hadcock, the trial of which commenced at Herkimer, December 20, 1853.

The defendant was arraigned and tried on an indictment for uttering and publishing a receipt of \$725, as and for a receipt for only \$25. The trial commenced in the morning and continued to quite a late hour in the evening, when the evidence closed, and the court adjourned to 9 o'clock the following morning for the argument of counsel. After adjournment we retired to our rooms at the hotel for consultation as to the course to pursue in the arguments, as to the points to dwell upon, and as to those which should be *unnoticed*, and which if alluded to would afford a wicked club in the hands of the great giant against whom we were to contend. During the trial the Court House was crowded to its fullest capacity, as it was on the opening of the Court for the argument of the cause. Hadcock, I think, had occupied the position of

Supervisor in the county; was a well-to-do farmer, and had always sustained a reputable character, and was the father of quite a large family of young children, to whom he was greatly attached. Hawkins, upon whose oath the People chiefly depended, had not been in this country long enough to gain a reputation either good or bad, and he could not, therefore, be impeached. The evidence, however, showed that he had passed under different names, and that he told some one that he had sold a flock of sheep in Ireland, got the money for them, and made the man pay for them over again. This evidence afforded a little handle for Mr. Conkling, and he used it in a manner surprising to all.

\* \* \* \* \* After marking out the course which Spencer would likely pursue, Mr. Conkling directed his attention to the evidence and character of the parties and witnesses in the case, and having portrayed in glowing language the character and standing of the defendant in the community where he was best known, inquired of the jury "if they were to convict the defendant upon the testimony of that old Irishman who fled his country for his country's good, and didn't think enough of his son to go to New York to see him respectably buried. If they were to hang his hat upon the nail to moulder in the cobwebs, whilst he served his term in State's prison, should he live to survive that term. If they were to make vacant the seat at the table where the wife and dear little children were wont to assemble in family devotion, upon such evidence, if so, it would be an occasion of the deepest humiliation," &c. \* \* \*

Mr. Conkling was listened to with the profoundest attention throughout. His peroration was superlatively grand, and of a character calculated to produce the keenest emotions. The stalwart and hard-hearted struggled hard to suppress tears which would come. Jurors were brought to their elbows, with handkerchiefs to their eyes; and when Mr. Conkling sat down, the jury would have said *not guilty, in a second.*

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Then follows a description of Mr. Spencer's "summing up," wherein he referred to Mr. Conkling as "my young friend."

1853-1858.

## CHAPTER IV.

### LEGAL PRACTICE AND LOCAL POLITICS.

ROSCOE CONKLING was now known as a campaign speaker throughout the Empire State. His reputation as a lawyer gradually extended beyond the county of Oneida. The distinction between attorneys and counselors was then sharply defined. The young advocate would not retain counsel, and hence was not popular with the older members of the profession. His courage in court, as well as his unbounded confidence in himself, stirred up much feeling against him.

During the latter part of the summer Roscoe Conkling's name was mentioned as a candidate for Attorney-General. The Whig State Convention met in September, but not being on the "slate," he failed to receive the nomination. He was much disappointed at the result; and a few days afterward he wrote, as a mental exercise, what he would have said if nominated.

The year 1854 was eventful for the Whigs and

“Silver Grays” but not for Roscoe Conkling. During this period he neither sought nor received political preferment. He was heartily in love with his profession.

Mr. Justice Ward Hunt once wrote the following description of Mr. Conkling as an advocate:

As a jury lawyer he was wonderfully successful, equalling in the public judgment *his brilliant preceptor*. He was deemed by those who knew him but slightly, as a man of great powers of eloquence, and his success was attributed to his eloquence. This was a great error. He was indeed a man of eloquence, possessing a flow of language, a variety of illustration, and an oratorical capacity rarely equalled. He owed much of his success, however, to his diligence and industry. He possessed a capacity of labor unknown to most men. Mr. Conkling never tried a case, in which he was retained in season to enable him to do so, without thoroughly preparing himself upon the law of his case, and without a careful examination of his witnesses before they appeared in court. When the time came he was always ready, his witnesses testified to what he expected, and he produced the authorities to sustain his position. Then it was and in aid of these qualities that he allowed his eloquence to be brought to the front.

In those days there were no official stenographers, all reporting being done in long-hand. This fact may account for Mr. Conkling's habit of taking copious notes during a trial. At the present day lawyers depend chiefly upon the stenographer's minutes for their testimony. Roscoe Conkling had several suits in which ex-Judge Philo Gridley was opposed to him. The latter always made his client's case his own. In his estimation,

the party as well as the attorney on the other side, were rascals. He was disposed to ridicule and browbeat his adversary. Hence it followed, from the temperament of the two counselors, that when Philo Gridley and Roscoe Conkling were on opposite sides, they had a severe forensic struggle. Then parties to the record could not be witnesses, and advocates oftentimes assumed what was difficult of proof.

We have learned the young lawyer's method and precision in matters of every-day life. He was equally exacting in the court-room. He would wrap up in paper his legal books until ready for use in court, instead of letting them lie on the lawyers' table, where "the other side" could borrow the authorities which he was about to cite. He thought it was quite as important to hide his books as his brief. Being a very nervous man, he could not bear to have his person or even his chair touched by others; and he has more than once said that he feared he might lose his case in court by some ill-bred neighbor insisting upon putting his foot on his chair. He was not then disposed to accept retainers unless he knew that he could succeed on the law and the facts. He preferred to settle a suit out of court if the chances seemed hopeless, and he often sent to legal friends "desperate" and contingent cases



Like other members of his family, Mr. Conkling detested tobacco in every form. If a client or clerk smoked a cigar in his office, he would, on entering the room, even in winter, rush to the window and throw it wide open, to allow the foul odor to escape.

As an example of the overwhelming way in which he sometimes attacked the opposing party, the author will cite the case of "*Doe vs. Roe*," at the Oneida Circuit. The descendants of the defendant in this suit are still living, so it is deemed wise to omit the real names. This was an equity suit to set aside the security for a loan. The ground of action was that the loan was usurious, and the transaction fraudulent. *Roe* made the loan to *Doe* and the latter became the plaintiff. Upon the motion, an issue of fact was formed for a jury; and at the trial ex-Judge Gridley was associated with Roscoe Conkling as counsel for *Doe*. The plaintiff (*Doe*) had no witness but himself. On the cross-examination the defence produced two or more papers signed and sworn to by him, and given upon the loan, and the renewals thereof, in each of which he stated that *there was no fraud and no usury*.

The plaintiff was so completely discredited by this testimony that Judge Gridley thought it a farce to go on; but his associate was determined to pro-



ceed. *Doe*, on re-direct examination, persisted in his story and said that *Roe* had forced him to sign and swear to the papers. The defendant was then sworn, denied all the fraud, usury, compulsion, etc., and furnished some corroborating evidence. He was subjected to a long and merciless cross-examination by Mr. Conkling, who then summed up with great power. The audience, in one or two instances, gave way to applause and throughout the address to the jury refrained, with much difficulty, from constant demonstrations. The "scoring" that the defendant received was fearful. After the charge of the Judge, the jury very promptly brought in a verdict for *Doe*.

In speaking of Roscoe Conkling's great capacity for preparing a case at short notice, one of his contemporaries has lately said to the author: "Conkling could look into a law-book and soak up law like a sponge."

In summing up before juries Mr. Conkling often indulged in many sharp sayings. He sometimes gave the "other side" a terrible "word-lashing" by using alternately the severest censure and the most cutting ridicule. When appearing for the plaintiff, he would, in some cases, assume that a verdict in his favor was a certainty. Under such conditions, he would read a newspaper as soon as the testimony was taken: and when his oppo-

ment rose to address the jury he would remark, "Are you going to sum up *this* case?"

Roscoe Conkling had always been a Whig in politics, but the disintegration of the old Whig party afforded him a means of escape from many perplexing political snags and more conservative doctrines. The Republican party was about to be formed and he saw in it an opening for men of progressive ideas and deep-seated convictions.

The Whig State Convention met at Corinthian Hall, Syracuse, September 20, 1854. G. S. Andrews of Monroe was chosen president; and Roscoe Conkling, representing Oneida, was one of the eight vice-presidents.

In a brief address he said that having for nine years\* attended Whig State Conventions, he had not in that time known a more harmonious meeting. He congratulated the party on "its present proud position." The Convention then adjourned *sine die*.

Taking an active part in the canvass, Mr. Conkling at once became an original and energetic expounder of Republican principles. Young and aggressive in political life, he appeared to be eminently fitted for the transition period.

Being a born leader of men, and possessing brill-

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\*It will be remembered that he was but sixteen years of age when he began to attend State conventions.

iant oratorical powers and a genius for organization, he turned these qualities to account in behalf of the harbingers of the new Republican party.

Of the name "Republican" he was not then tenacious. It might be said that his motto was, "Place our bark on the highest promontory of the beach, and wait for the rising of the tide to make it float."\*

At the November election Myron H. Clark and the Whig ticket were successful. The anti-slavery wings of the Whig and Democratic parties, as well as the Prohibitionists, united on Mr. Clark, which enabled him to win at the polls by a small majority. He was really a "temperance" Whig. Some of his supporters in certain portions of the State adopted the name of "Republicans." He was succeeded by John A. King, the first *Republican* Governor in the State.

The Hon. D. E. Wager, of Rome, politely furnishes for publication the following reminiscence :

The first civil trial of Mr. Conkling's that brought him prominently into notice, more than any former one, was that of Martha Parker by Guardian *vs.* Rev. F. A. Spencer.

Both the parties resided at Hampton, in Westmoreland, in Oneida County, some eight miles from Rome. The real plaintiff was a young lady from eighteen to twenty years of age, who sang in the choir, and was a member of the Presbyterian Church in

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\* This quotation from Lamartine concluded his famous speech on the Electoral Commission in January, 1877.

that village. The defendant was pastor, and had been such since 1841.

The action was slander. The actionable words were spoken in 1852, and, in substance, charged the plaintiff with want of chastity. This trouble originated in the choir. Mr. Conkling appeared for the plaintiff, and with him was associated Mr. Francis Kernan, but it was Mr. Conkling's case. He examined the witnesses and summed up. The late Timothy Jenkins tried the case for the defendant. The trial was in Rome, in October, 1854, before Mr. Justice Bacon, and occupied the greater part of three days. I was present, and remember it about as well, though of course not in all the details, as if it were a week ago. The court-room was crowded each day, and the greatest interest and excitement were manifested, especially on the part of those who resided in Westmoreland or were acquainted with the parties. The defendant introduced evidence in justification, one of his witnesses being a young man who testified to taking liberties with the plaintiff. Mr. Jenkins occupied three hours and a half in summing up for the defendant. Mr. Conkling took over two hours.

This was a splendid opportunity for Mr. Conkling to display his eloquence and forensic skill, and he did it to great advantage, carrying his audience by storm. His speech was a masterpiece. The jury, after an absence of two hours, returned a verdict of \$2,500 for the plaintiff. The audience in the court-house were so indignant at, and so wrought up against, the young man who had testified against the plaintiff that they attempted to mob him. To escape he had to be escorted to the hotel by lady friends; ran up the stairs of the hotel chased by the crowd, and got from an upper story into the back yard by being let down with a rope, from the third or fourth story window. The crowd then went into the street, built a bonfire, and burned him in effigy. Later they hung him in effigy from the top of a high pole which stood near the court-house. I remember well seeing it hang there the next day, and for two or three days thereafter.

The defendant appealed to the general term, a new trial was granted, and the case was afterwards settled, as I heard, for \$1,600. The plaintiff married and moved out West. The defendant died many years ago.

In Mr. Conkling's garret, the biographer found the following reference to the slander suit of Parker *versus* Spencer. It is in his hand-writing and is thus indorsed: "Mem. written Nov. 11, '54, from recollection of scraps here and there in the summing up for plaintiff.—R. C."

Gentlemen, have you daughters? I have sisters, and I would rather follow their hearse, than that one of them should receive an injury so irreparable as that which has been inflicted by the defendant upon this orphan girl.

I would rather the clods should fall upon their coffins than that one of them should be robbed of that priceless reputation, without which a woman is a casket without a jewel, a ship without a rudder, a helpless, hopeless wreck on Fortune's lonely shore.

Have either of you a child whose mother died in its infancy, and whom you have watched with more than a father's care, the object of your hopes and your fears, your joys and your woes, which you lean upon as destined in your declining years to be a source of consolation and of comfort? Have you such a child? If you have, your lot and your hopes are just as Ephraim Parker's were but two short years ago! Struggling for bread in a far foreign land, in the midst of all his travels and his toil he was ever animated by the thought that he should yet be restored in peace to the home of his children, and the grave of their mother, and when, weary, he sank to rest with only the skies of heaven over him, he dreamed of the day when, with fortunes retrieved, he should return once more to the child he left behind him with nothing to sustain her but the blessing he invoked upon her head. And now the bright dreams of that father are gone forever: the damning whispers of the defendant have gone to California hissing in his ears.

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What should I say of the act if committed by one absorbed in human matters, and pretending no higher standard of action than the honor and morals of the world? I might say it was cruel

as the grave, I might say it was unpardonable, malignant, mean; but tell me, gentlemen, tell me what I shall say of it when perpetrated by one who professes to devote his life and his thoughts to learning and teaching that great rule of charity, of mercy and of love, whose seat is the bosom of the Almighty, and whose voice is the harmony of the world. How shall I describe the enormity of such a violation of the laws not only of man but of the King of kings by one who, when he thus bid defiance to reason and to right, must have heard, ought to have heard, the pleadings on Calvary, the warnings on the Mount of Olives, and the thunders of Mount Sinai still ringing in his ears.

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Do you remember an occurrence recorded in the New Testament which happened in Galilee 1800 years ago, when the Scribes and Pharisees brought to our Saviour a woman taken in adultery? The crime was charged upon her, and it was said that she was taken in the very act. When called upon again and again to pronounce judgment upon her, what was the answer suggested by a divine compassion for the frailty of poor human nature? "He that is without sin among you, let him first cast a stone at her. And again he stooped down and wrote on the ground. And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last; and Jesus was left alone, and the woman standing in the midst. When Jesus had lifted up himself and saw none but the woman, he said unto her, Woman, where are those thine accusers? Hath no man condemned thee? She said, No man, Lord! And Jesus said unto her, Neither do I condemn thee: go and sin no more."

This was the example of that first and greatest priest whose teachings the defendant has spent his whole life in professing—it was the example of Him who said, "Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

The narrative comes to us in that sacred record which declares, "Blessed are they that mourn, for they shall be comforted," and "For he shall have judgment without mercy that hath shewed no mercy."



This extract from Mr. Conkling's address is the earliest record of the kind that the biographer has found. The reader may observe his pathetic appeal to the jury and his fondness for scriptural quotation. In later speeches and arguments he often referred to the Bible.

Of Mr. Conkling's early career, Samuel Earl, of Herkimer, says :

I became acquainted with the Hon. Roscoe Conkling soon after his admission to the bar. He at once went to the front and took rank with the foremost lawyers in Central New York. Few men rose as rapidly as he did in the profession, and his services were sought for in nearly all of the important cases which were tried in Oneida and the adjoining counties, from the time of his entrance to the bar to the time he was made United States Senator. I can speak of him only in a general way, except so far as this county is concerned, and here I often met him on the circuit, either as counsel in cases in which I was engaged, or in which he was the counsel upon the opposite side. It was always deemed an important point gained for a litigant to secure Conkling's services in his case. Clients and attorneys felt safe if Conkling was on their side—such, indeed, were my feelings if I had him as counsel associated with me; and then, too, if he was the counsel opposed to me I felt that there was trouble ahead. He was the most industrious lawyer I ever knew. He studied his cases as but few lawyers do, and he never sat down to the trial of a case without a full knowledge of the facts, well briefed up, and I have never known him to be taken by surprise, either upon the facts or the law of his case.

He had a powerful influence over the juries in this county, and it often seemed to me he won cases that he ought to have lost. Such able jury lawyers as Joshua A. Spencer could not check his triumphs or prevent victories where, as against other counsel, Spencer would have been victorious. I remember one case in particular, in which Sanford Snell, a cheese buyer, sued his



uncle, Suffrenus Snell, for slander. The words related to Sanford's dealings as a cheese buyer, which the old man did not think quite honest, and he took the liberty to speak of them, and to characterize them as they seemed to his honest mind. Sanford sued for slander, employing Conkling to prosecute the suit. The old man retained Joshua A. Spencer. The case came on for trial at one of the circuits in this county sometime *about* 1855, and it attracted considerable interest from the fact that two such able advocates as Spencer and Conkling were in the case, and that it was a suit by a nephew of rather unsavory reputation against his uncle, an honest old farmer. The sympathies of the people of his town were all on the side of the old man, and Spencer exerted all his great powers to save his client from being mulcted in damages in a suit which he denounced as unjust, and as being brought by young Snell from unworthy motives. But Conkling, young as he then was, was more than a match for the supposed matchless power of the great advocate, Joshua A. Spencer, and he won for his client a verdict of \$1,000 damages, which the old man paid. The result in this case was that Conkling, and not Spencer, was considered at the Herkimer bar the greatest advocate and the most formidable opponent upon the trial of a case before a jury. A lawyer in this county by the name of Marsh was sued for slander by a female, who alleged that her character for chastity had been assailed. Special damages, as the law then stood, had to be alleged and proved in order to sustain the action. Marsh retained Francis Kernan and Roscoe Conkling to defend him, and I thought at the time that they undertook the defence out of sympathy for Marsh, who was comparatively poor, and almost friendless. Upon the trial of the case the duty of examining and of cross-examining the witnesses fell to Kernan. To prove the special damages, a tailor by the name of Dodge was called in behalf of the plaintiff, who testified that after hearing of the charges of unchastity imputed to her he forbade her to come to his house. Upon his cross-examination he was severely handled by Mr. Kernan, who made it appear quite clearly that his testimony was fixed up for the occasion, and that he was unworthy of belief. Conkling's part in the case was to sum it up to the jury; and he did it in his usual masterly way.

What little was left of the witness Dodge upon his cross-examination by Kernan was completely demolished by Conkling.

The result was a six cents' verdict, and Conkling added new laurels to his fame as a jury lawyer in this county.

I once brought an action against a young man for breach of promise of marriage, and Conkling was retained to defend. Such was his reputation that when my client heard he was retained she fainted. The defendant paid \$1,000, and thus settled the case.

My memory now extends back over forty years, in which time I have witnessed nearly all the important trials in this county, and in that time none superior to Conkling ever appeared before a Herkimer County jury.

Mr. Conkling now associated himself with Montgomery H. Throop, a nephew of ex-Governor Enos T. Throop and also of the late Justice Ward Hunt, then a young and able lawyer. Mr. Throop had been one of Mr. Conkling's school-mates at Auburn. He threw himself heart and soul into the practice of his profession. Brilliant success crowned the efforts of the new firm, and their labors aided in sustaining the reputation of the famous Oneida County bar. During this period Mr. Conkling lost few cases. He was a painstaking practitioner and the happiest moments of his life were when the client appreciated his professional services.

The firm of Conkling & Throop existed from 1855 to 1862. In those days it was customary for lawyers to advertise in the newspapers. An examination of the files of the *Utica Observer* and

*Herald* proves that this firm inserted a standing advertisement in the columns of these journals. Montgomery H. Throop, the author of the New York annotated code, now of Albany, was the office lawyer, and Roscoe Conkling acted as advocate. The former usually argued on appeal cases in which the latter had appeared at circuit.

We have seen that Mr. Conkling tried causes at Rome and at Herkimer. He was frequently retained to defend clients in civil as well as criminal suits in the latter place.

On the twenty-fifth day of June, 1855, Roscoe Conkling married Julia, daughter of Henry Seymour, a man of high social standing and influence at Utica. She was also a sister of the Hon. Horatio Seymour, who had just finished his first term of service as Governor of New York. Their wedding-trip was made to Auburn, and a week was passed at Judge Conkling's stately residence. At the same time a family re-union took place. Mrs. S. Hanson Coxe and Frederick A. Conkling, the sister and brother of the groom, with their children, were present. Outdoor games were played upon the spacious lawn, and Mr. Conkling engaged in the sport with his little nieces and nephews. Although but five years of age, the author well remembers the occasion and his first impressions of his aunt and uncle.

The firm of Conkling & Throop had a large practice. The former hesitated to undertake more than three or four criminal causes during the year lest he should be named a criminal lawyer. Mr. Conkling took no part in politics during this period. The next year (1856) was eventful for the Republicans. Their national convention met at Philadelphia, June 17, and nominated on the first formal ballot John C. Frémont, of California, the "Pathfinder," and William L. Dayton, of New Jersey.

In the same month, James Buchanan, of Pennsylvania, and John C. Breckinridge, of Kentucky, were named in the Cincinnati convention as the Presidential candidates of the Democratic party.

Mr. Conkling attended a ratification meeting in Utica, June 25, at which, as chairman of the Committee on Resolutions, he drew and read, among others, the following resolution, that is here recorded to illustrate the emphatic manner in which he committed himself during the infancy of the new party :

*Resolved*, That the [Republican] nominee for the Presidency possesses many unusual qualifications for the exalted station to which he is likely to be called, that his history abounds in proofs of talent, bravery and truth, and that we are quite content to see the first office in the Republic committed to the hands of John Charles Frémont.

He made many speeches throughout the counties of Oneida and Herkimer during August, September and October. He addressed 3,000 men at Trenton, August 27, and he spoke, November 3, before the Frémont Club, of Rome. For the previous week his speech was daily announced in the *Utica Herald*.

At that time orators were rarely reported. The biographer has seen no public record of Roscoe Conkling's speeches nor found any manuscript addresses among his private papers. It is safe to assume that by this time "the young man eloquent," as he was called, ceased to write out his speeches.\* In after life he usually spoke from head notes on slips of paper ; and when he became a Senator he wrote his memoranda on long envelopes.

The election took place November 4, and the Republicans were defeated in the nation, but carried the Empire State for President and Governor. Frémont and Dayton had a majority of about 81,000, and John A. King had nearly as large a vote over Erastus Brooks for the office of Governor. It may be added that Mr. Conkling's "Free-soilism" led him zealously to support General Frémont. In this cause he devoted as much time

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\* During the campaign his brother, Aurelian Conkling, "stumped" in Central New York.

to speechifying as his jealous mistress, the law, would permit.

Mr. Conkling was one of the members of the bar appointed by the court to examine the graduates of the law school of Hamilton College for admission to practice in the year 1856.

Professor Theodore W. Dwight states :

Although but twenty-seven years of age, Roscoe Conkling was then a power at the bar of Central New York. The defendants were usually afraid of him and often settled suits at law brought by him and about to be tried before a jury.

On the twenty-fifth day of April, 1857, Joshua A. Spencer died, aged sixty-six. Two days afterward a meeting of the Oneida bar was held at the court-house in Utica. Roscoe Conkling was chosen secretary, and many members of the profession made memorial speeches.

It is to be regretted that no biography of Mr. Spencer was written. Although rarely arguing cases in the Court of Appeals, he was probably the ablest advocate and best-known jury lawyer in New York. Mr. Kernan stated that with two exceptions he tried cases in every county of the State. Roscoe Conkling was sincerely attached to Mr. Spencer, and we have seen that they opposed each other in a few *nisi prius* cases.

It is said in Central New York that Mr. Conkling was the first lawyer to receive compensation



above the usual rates at that time. Joshua A. Spencer, who for many years had been leading counsel at the circuits, made small charges for his services—\$25, \$50, and in extreme cases \$75, for the trial. Mr. Conkling soon charged \$100 and upward.

The nineteenth day of September, 1857, one Clarinda Yourdan was indicted for poisoning her husband. She was called the "Borgia" of the northern part of the county. Roscoe Conkling and Ward Hunt were retained to defend her. J. H. Minger was then District-Attorney, and the Attorney-General of the State assigned Rufus W. Peckham to assist him. The case came on soon afterward at the Oneida Circuit before Judge W. F. Allen. For a private reason an effort was made by Mr. Conkling to postpone the case—at least to get it away from Judge Allen. Several motions were made and denied. Mr. Peckham being at Utica, the struggle to continue the case was hopeless, and the court ruled that the prisoner must be tried. The Judge then told the clerk to empanel a jury, whereupon Mr. Conkling threw down his papers, and retreating, sat down in one of the jurors' seats and said: "If there is to be a judicial murder, I wish to wash my hands of it." His associate, Ward Hunt, also withdrew from the case. Judge Allen then said that if counsel threw up their



briefs that was no reason for adjourning the trial. He then assigned ex-Judges Samuel Beardsley and Philo Gridley. These advocates were allowed one day to prepare the case. On the morrow they entered court and read a brief affidavit stating that, not having had enough time for proper preparation, they were unable to proceed. The cause was then marked off for the term. During the year 1858 Clarinda Yourdan was tried. Ward Hunt re-entered the case, but Mr. Conkling, being mayor of the city, did not wish to appear. After a long trial, in which crowds packed the court-house to hear how Mrs. Yourdan\* answered her husband's cries for relief by administering soothing doses of poison, she was convicted of murder and sentenced to prison for life.

One of the traditions of the Oneida bar is that Roscoe Conkling had now become so formidable as an advocate that some of the lawyers in the county advised their clients to retain him in important cases, for the purpose of keeping him from the service of the other side.

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\*She said to her counsel: "I put 'pison' on his bread, and if he'd a mind to eat it, why, that ain't none of my business."

1858-1859.

## CHAPTER V.

MR. CONKLING AS MAYOR.

THE year 1858 was, for the subject of this biography, an eventful one. It was a pivot in his political life. For seven years, excepting an effort to be nominated as attorney-general in the autumn of 1853, he neither sought nor accepted public office.

In the year 1858 he carried his city as mayor, and his county for representative in Congress. An available candidate was more than desired by the Republicans. The city of Utica had been Democratic by a small majority. In a search for a suitable man the name of Roscoe Conkling was suggested. His reputation as an advocate and a politician in the best sense made him the "coming man" of Oneida County.

Although competent judges then considered Mr. Conkling a forcible illustration of the possibilities of the law, and although his name is found in the books as a successful advocate in a great variety of civil and criminal suits, his critics in

distant parts of the State, as well as of the republic, have spoken of him as a politician rather than a lawyer. Hence his biographer should attempt to correct this erroneous impression. Before the close of this volume a chapter on "Mr. Conkling's legal life" will be written, in which we shall give the opinions of the late Chief-Justice of the Supreme Court of the United States and of associate justices of that court, of some of the judges of the Court of Appeals and of the Supreme Court of New York, as well as the impressions of leading lawyers, to the effect that the subject of this biography was one of the ablest advocates of his time.

It should be stated, however, that Roscoe Conkling was a good judge of human nature, and a born leader of men. These qualities, added to his vigorous forensic oratory, made him a formidable man in the political arena.

He did not make a trade of politics, but he was one who did everything with all his might. His attributes can best be described by an extract from one of his campaign speeches made in 1880 :

"If any Church is worth belonging to, it is worth belonging to not a little. The great Book says : 'Whatsoever thy hand findeth to do, do it with thy might.' That is as true in politics as in religion."

Whenever he engaged in political work he threw his heart and soul into it, and thus displayed a degree of facility and skill in town and county matters which gave him reputation as a manager. Yet he clung to the truth and always avoided treachery. He never "sold out" his friends, and in subsequent pages this trait will be illustrated by several examples. Thus much for this apparent digression concerning Mr. Conkling's career as a lawyer and partisan.

In the year 1858 the Republican party of the city of Utica found itself in imperative need of an available candidate for mayor. The chances of defeat at that time, and the unpleasant duties of the office, created in the minds of many members of the party an unconquerable repugnance to consenting to a nomination. Mr. Conkling, among others, had emphatically refused to be placed on the ticket; but the Republican City Convention met February 25, 1858, and nominated him on the first formal ballot. He received twenty-eight votes and his one opponent, Samuel Farwell, seven. The former was then unanimously nominated. A committee was appointed to notify the candidate. They went to Mr. Conkling's house in Whitesboro Street, and were told that he was at Oswego trying a law-suit. On the following day a committee of citizens, of

whom some were Democrats, visited him to urge his acceptance. One of the number said, "You will surely be elected, and then we shall send you to Congress." Here was a case of the "office seeking the man, not the man the office." Mr. Conkling hesitated, and then declined the honor; but his visitors insisted, and finally he promised to consider the subject and to give an early answer.

On the next day he wrote to his political friends protesting that his private interests would suffer. The yearly salary of the office then was but two hundred and fifty dollars, and his professional income was to him a matter of great importance.

To yield to the wishes of those who had proffered the nomination was therefore a greater sacrifice to him than would have been involved in the case of almost any other citizen. A man of small property, depending upon an arduous profession which required unremitting attention, he was thus called upon to conduct a canvass then thought to be hopeless, and, if successful, to assume the position of mayor and chief almoner of the city in a year teeming beyond precedent with poverty and distress.

The inauguration of the new mayor took place Tuesday, March 9. Upon taking the chair Mayor Conkling addressed the council *in substance* as follows:

GENTLEMEN OF THE COMMON COUNCIL : By its charter, and the other laws of the State creating and controlling it, the city of Utica is a corporation invested with certain franchises, rights and powers, and curbed by certain limitations and restrictions. It is composed legally of the inhabitants within its limits, for in one sense every elector may be termed a member of the corporation, and every taxpayer may be regarded as a stockholder and owner. Thus existing and thus composed, it possesses in common with most other corporations the privilege of electing by the votes of its members its own directors and trustees. This privilege has just been exercised, and we have been called here to occupy such seats at the board of directors as the expiration of the official year has rendered vacant.

\* \* \* \* \*

To study and comprehend the varied interests of a populous and increasing city, to regulate its police, to minister to the convenience, the comfort, and the safety of its inhabitants without the slightest partiality or distinction of party or class, to scrutinize and reduce expenditures, to instil frugality and rigid honesty into every branch of municipal affairs, to multiply the blessings and diminish the curses of civilized society, these, gentlemen, belong to the task, these are some of the duties, a few of the responsibilities, which now await us ; responsibilities which we can scarcely affirm have been forced upon us, but which we have, rather voluntarily assumed, and which, therefore, in their very nature not only, but in the manner in which they have been undertaken, bind us to square our conduct by the rule of the most rigid accountability. \* \* \*

The country is just emerging from a period of unexampled disaster and gloom ; a period which has passed like an eclipse over the whole commercial world. Our own city especially has, from local as well as general causes, been visited with great calamity. \* \* \*

With resources thus paralyzed and burdens thus increased, taxpayers have a right to expect that we shall at least join in that work of retrenchment which is going on in the houses of our citizens and in the expenditures of private life.

\* \* \* \* \*



“Fidelity, and even common honesty, in public servants may become conspicuous perhaps in the affairs of a city when some of the chief officers of the nation are using the forms of government for purposes of oppression and of wrong, and when in one portion of our country men—not black men, but white men—are gasping for freedom, because servants are greater than their masters, and because those whom the people honored with their confidence have turned traitors to the trust. In conclusion, gentlemen, let me cherish the belief that for all errors and insufficiencies in me, our constituents will be more than compensated by fidelity and capabilities in you, and that so long as we preserve our motives unspotted, we shall enjoy the approval of our own consciences at least, whatever shall be the verdict which others may pronounce.”

Mayor Conkling's official duties, added to his large legal practice, were wearisome and onerous. As a diversion he would walk with friends to the neighboring hills. His favorite “pedestrian” companions were Dr. L. W. Rodgers, Erastus Clark and William Blakie. The last named has since spoken of these walking-trips to the author with the remark, “Oh, what a walker and climber your uncle once was! we could hardly keep up with him.” It may be said that his athletic habits were the secret of his great capacity for work. While never making a “record” in any outdoor sport, Roscoe Conkling's rule to secure sufficient fresh air and exercise enabled him to devote daily from ten to fourteen hours to severe mental exertion. After resigning from the Senate, when he was no longer youthful enough to engage actively



in outdoor sports, he oftentimes attended athletic exhibitions, and became a member and governor of the New York Athletic Club. Down to the close of his life he had but one serious illness, *i. e.*, in the fall of 1876, when he suffered from weak eyes and malaria contracted in the unhealthy atmosphere of Washington.

The city of Utica was illuminated August 6, 1858, in honor of the great event of laying the Atlantic telegraph cable. There was a grand display of fireworks. At the public exercises the Hon. Thomas R. Walker made the opening speech. He was followed by Mayor Conkling, who delivered an eloquent address.

The following report of the mayor's speech is taken from the *Central Independent* of August 13, 1858. The editor states that it is made up "from the reports in the *Herald* and the *Observer*, and with the assistance of friends who heard it." The biographer publishes the speech to show how the writer loved picturesque illustrations and historical references. We may add that in later years Mr. Conkling would probably not have delivered a similar address without some quotation from the Bible or from Shakespeare.

We have assembled to commemorate a great event, to celebrate a most brilliant victory. Not a victory crowning a successful war, not a victory whose heroes waded through seas of slaugh-

ter and of blood ; not a victory which has left the bones of brave men to bleach upon a field of battle and their widows and orphans to mourn that we might rejoice ; but a stainless victory of science and of peace—a victory which leaves no pang and no crime behind it and which yet fills the world with its renown and covers its heroes with a lustre which will never fade away.

History is filled with great occurrences of which the ocean has been the theatre. Navies have ridden out to battle on the sea, and the world has held its breath to hear their fate, and nations have shuddered at the tale. So ships have drifted where “the breakers talked with death,” and have gone down and left a thousand breaking hearts to sorrow for the loved ones and the lost. But ships this day have anchored from a voyage which will be famous when Trafalgar is not remembered and when the ill-fated *President* and *Arctic* have perished from the list of remembered wrecks.

Only twice in naval annals has a vessel floated on the ocean whose story will be told so long and heard so far as that of the fleet which laid down the cable between the Old World and the New.

More than three hundred years ago, a sailor of Genoa weighed the anchor of the *Santa Maria*, and hoisted her sails. She was a little boat, but she carried a mighty enterprise. She was only a chip, but she floated a thought. She was bound upon a daring errand, but she was guided by a master hand. She sailed to make a dread experiment, but she was held on her course by the genius, the enthusiasm and the hope of man. She rode among the trackless surges till she cast her anchor on a western beach, and Columbus stepped from her deck upon the shore of a continent he may be said almost to have created.

In later times when oppression ruled the hour and liberty could not be found at home, the little *Mayflower* struck bravely out for freedom and swam to Plymouth Rock. There with the spark she had kept alive a fire was kindled which will burn as long as the billows roar and break.

These twin achievements stand out alone in the history of the sea, unfellowed in the proof they give of the heroism and steadfastness of man. But this day a miracle is wrought which in

genius and in wonder is greatest of its kind. The *Santa Maria* gave the world a continent ; the *Mayflower* carried and planted in it the seeds which have made it blossom as the rose ; but the *Niagara* and her sister ships have built a bridge from world to world on which hourly Christendom may cross.

That is a great wedding-day when hemispheres are married and lightning is the language in which they are betrothed. It is a joyful holiday for the nations, a proud holiday for New York. In surveying this wondrous achievement, we as citizens may indulge in a little local pride. He who first set the magnetic telegraph in motion is a citizen of this State, and on the green banks of the Hudson he enjoys the honors and the wealth to which his genius has entitled him. So too is he a son of New York who has borne a foremost part in this last and greatest act in the drama of science. When necessity demanded, he staked his fortune on the hazard of the die—he measured his endeavor not by the bright and expectant hour, but he persevered after hope had yielded to despair ; he saw success with that inner eye which no calamity could darken ; with a ready hand he cast his bread upon the waters and it has returned to him after many days. If failure and loss had happened, who would have remembered or honored him ? but now that day has dawned upon him, we have time to pause and think that to New York belongs the name of CYRUS W. FIELD.

But whether to this locality or to that, to this individual or to that, shall be ascribed the glory of the work that's done—these are paltry questions—things which are belittled by considerations reaching all mankind. Let us, rather, turn to the stake which intelligence and freedom and labor have in this great consummation, to the consequences of wealth, of happiness, of prosperity and peace destined to flow from such a fountain. See the immensity of the undertaking, think of the magnitude of its success, consider its effects upon the world, behold how wonderful a thing it is, whether you regard it in the prismatic colors of fancy or through the dry spectacles of fact.

To-morrow friends who stand around me may send home words of remembrance and of love, and in an hour receive returning tidings from those they left behind them in the green island of

the sea. The sons of Germany may send their greetings to the fatherland and in a moment greetings will echo back from the Danube to the Rhine.

We have henceforth another inducement to hold out to the children of other climes as they come to seek the places which are waiting to receive them. When they turn their backs upon the fraternal roof and the last look has been given they will be cheered by the thought that, when they touch our shores, in that same hour a spark will snap out of the waves of the sea and fall on the hearthstone at home, there to kindle a blaze of joy and to flash back the welcome signal that all is well.

Of the influence to be exerted upon commerce, upon the business and politics of Christendom, this is not the place to speak. Suffice it to say that every interest and every man in all this broad republic is in some way a gainer by this greatest exploit of the age. To all parts of our country it is a harbinger of blessing and of greatness and especially to New York is it an increase and a dower, for it tends to strengthen her and adorn her more and more as she sits upon the brow of the western continent, queen in the diadem of States.

Such demonstrations as this have a high office to do. They help to eke out just rewards to industry and virtue ; they stretch out a helping hand to enterprise and genius ; they do homage not to the destroyers but to the benefactors of mankind. No great truth was ever yet born unto the world without great pangs to him who gave it birth—from Galileo to Columbus, and from Columbus to the humblest of inventors and discoverers, derision and discouragement have tracked the steps of genius and strewn obstacles in its way. It is our privilege this evening to do justice to those whose indomitable perseverance has conferred enduring benefit upon the human race. To those our gratitude is ever due whose deeds redound to the welfare of our country, who help to swell the multitude of good gifts which have made America an asylum for the down-trodden and oppressed of every clime and earned her the title of the land of the free and the home of the brave.

In the spring election of the following year (1859) the vote for mayor resulted in a tie be-

tween John C. Hoyt (Republican) and Charles S. Wilson, who in the previous year was defeated by Mr. Conkling. An attempt was made, however, by certain persons whose duty it was to canvass the returns, to change by subsequent ciphering, the footings as they were legally made. If neither candidate were elected, the incumbent would continue in office, and therefore, deeming himself interested, Mr. Conkling refrained from voting or acting upon the returns. The residue of the council, however, decided that no choice had been made by the people, and thus, without any participation of his own, the mayor found himself still associated with his official obligations. Mr. Conkling remained in office until the latter part of the year (1859), when he resigned his position as mayor to take the seat in Congress to which he had been elected.

Here follows his letter of resignation :

TO THE COMMON COUNCIL OF THE CITY OF UTICA:

*Gentlemen*—The last charter election having resulted in no choice for the office of mayor, the law continued me in that position for another year.

My personal and professional interests demanded my prompt resignation and it did not occur to me that by postponing it I could in any way promote the general good. There were those, however, of all parties who maintained that my stay in office, in the then situation of our municipal affairs, was called for by a due regard for the public welfare. This consideration was urgently pressed upon me by men to whose wisdom and expe-



rience I felt compelled to yield. I have, therefore, acted as mayor till now, when other duties call me for a long period from home. No one can doubt the propriety of my resignation, at this time, of the post to which the voice of my fellow-citizens originally called me and the honor of which I gratefully appreciate.

To you, individually, I tender my best wishes for your prosperity. For all of courtesy I have received at your hands, accept my thanks ; for my own shortcomings, I ask your charity.

I hereby resign the office of mayor, and leave you with the hope that your future action may in all things redound to the honor and prosperity of the city.

Your obedient servant,

ROSCOE CONKLING.

UTICA, Nov. 18, 1859.

During Mayor Conkling's second term nothing of especial public interest occurred. He tried many causes at the Oneida and Herkimer Circuits. Among the suits at the latter were the Winfield breach of promise case, where he recovered a verdict of \$2,300, and the memorable case of *Bellinger vs. Craigue*.

This was an action for malpractice against a physician, for alleged lack of skill in setting the broken leg of the plaintiff's wife. Messrs. Conkling and Throop had been substituted for a lawyer from Little Falls. There was a very able and vigorous defence on the facts as well as on the law by George A. Hardin, afterward (1889) a judge of the Supreme Court. Yet Roscoe Conkling, by his skill in the examination of the witnesses, added to his stirring "summing up,"

gained a verdict of nine hundred dollars, which was then, in such suits, a large sum to recover.

In his second official year Mayor Conkling may be said to have been passive in politics. During the Republican County Convention which met in Utica, October 4, 1859, he was *not* a delegate; but, being a spectator at the rear of the hall, after the nominations had been made, in response to loud calls of "Conkling! Conkling!" he spoke briefly and assailed the administration of President Buchanan.



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AUGUST, 1858—APRIL, 1859.

## CHAPTER VI.

HE IS ELECTED TO CONGRESS—UNPUBLISHED CORRESPONDENCE BETWEEN MR. CONKLING, AND THOMAS CORWIN, OF OHIO.

IT will be remembered that when in February, 1858, a committee of citizens offered Mr. Conkling the nomination for mayor, one of the party said, "We shall send you to Congress." A fortnight later the *Rome Daily Sentinel* of March 16 announced that "the election of Mayor Conkling settles the question that he will be the next nominee of the Republicans for Congress." His name was afterward suggested by the *Utica Evening Telegraph* of June 18. While no particular candidate was endorsed during the summer several gentlemen who had been mayors of Utica were named for Congressional honors.

The following letter from ex-Governor Clark explains itself :

NEW YORK, August 9, 1858.

Hon. ROSCOE CONKLING, Utica :

*My Dear Sir:* I am pleased to learn, as I have from many quarters, that you will doubtless receive the nomination at the

Republican convention of Oneida County for Congress. I trust you will consent to be a candidate, and if so, I doubt not you will be triumphantly elected. While I do not wish to flatter you, I still beg to say that if every district in our State could be as *honorably, ably* and *truly* represented as Oneida would be in your election, it would certainly be gratifying to every true Republican in the State and nation, and especially to your ob't servant,

MYRON H. CLARK.

Orsamus B. Matteson had been, for the last ten years, the Whig nominee for Congress in Oneida County. He was now under a cloud and many of his supporters thought it was time for him to retire from politics. The Republican press of the county as well as of the city of New York opposed his renomination.

Mr. Conkling was the man to whom discontented Republicans turned as the *only* candidate that could defeat Mr. Matteson. At first Mr. Conkling refused to allow his name to be used, but his political friends would not take "no" for a reply. A companion of his youth, who was now practicing law in the city of New York, was asked to come to Utica to try to persuade Mr. Conkling to accept the nomination. Acting upon this request, the former visited the latter and had an interview of several hours' duration. Mr. Conkling feared that he could not be nominated and that he would be defeated if he became a candidate. In refutation of this timidity, his New

York friend promised him the delegations of all of the northern towns, and urged the strong sentiment of opposition to Matteson\* throughout the county. The result was that he promised to permit the use of his name. In after life he often spoke of the folly of "allowing yourself to be nominated for an office when you have no chance of election." We have thus gone into details to show that Mr. Conkling never sought this Congressional nomination. He afterward regretted its acceptance, for he often said, "I should have made my fortune before entering Congress."

Upon completion of half of his term as mayor, he weighed carefully the question of continuing in political life. In discussing the subject with his wife, he said, "I love my profession and I doubt if I would like anything better." It was a difficult problem to solve—between law and politics—but at the suggestion of warm personal friends he consented, as already stated, to become a Congressional candidate. When asked, "Why do you want to go to Congress?" he replied, "Because some men object to my nomination. So long as one man in the city opposes me, I shall run on the Republican ticket." This

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\* Referring to this gentleman, the newspapers of Oneida published the following couplet :

"By all true patriots be it understood,  
He left his party for his party's good."

aggressive spirit characterized his later public life. His love of combat was unique. Without being spiteful, he sometimes seemed to fight for the sake of fighting.

The cowardly assault of Preston S. Brooks upon Charles Sumner at Washington in 1856 was still fresh in the public mind. Benjamin Allen, who was president of the Fifth Ward Association, of the city of Utica, *apropos* of the Sumner-Brooks incident said: "Boys, we must now nominate muscle as well as brains for Congress. Let us send Conkling; I guess they won't hurt him!" On the fourth of September, 1858, the Republicans held their primary meetings throughout the city. An unusual degree of interest was shown in the occasion. The Congressional contest in the several wards was between Roscoe Conkling and Charles H. Doolittle, except in the first ward, where both "delegate" candidates favored the former. The result showed that Mr. Conkling received more than double the number of votes cast for Mr. Doolittle. The Conkling delegates were chosen in all the wards excepting the fourth, wherein Mr. Doolittle resided. In the fifth ward, while the balloting was in progress, a gang of ruffians who favored the anti-Conkling delegates rushed (waving their pistols) into the polling-place and seized the ballot-box. It was then cast into the

street, broken in pieces and the tickets scattered over the pavement. The officers of the primary at once gathered up the votes and, after making a canvass of them, found that Charles H. Hopkins, the Conkling delegate, had a large majority.

The Republican County Convention\* met at Rome, September 21. There were two candidates for the office of member of Congress. On the first ballot Roscoe Conkling received sixty-two votes, while Charles H. Doolittle obtained but twenty-three. When the Committee on Resolutions reported, the following reference to Mr. Conkling was made.

*“Resolved, That this convention presents, with pride and confidence, the name of Roscoe Conkling as the Republican candidate for Congress ; pride in his zealous and constant devotion to free principles, in his brilliant and practical talents, shining equally as a public speaker and a clear-headed and energetic business man, and in his spotless and chivalric character; and confidence that the electors of the country will give him a generous and enthusiastic support, which will be rewarded by a Congressional career that shall embody the principles, conduce to the interests, and magnify the influence and reputation of the Republicans of Oneida.”*

In response to an invitation, Mr. Conkling entered the hall and addressed the Convention at some length. A brief extract from his speech follows :

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\* One of the delegates was Peter B. Crandall, of Bridgewater, who will again appear in the Haddock court-martial. In 1865 he became provost-marshal at Utica, and proved a useful friend to Mr. Conkling.

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

\* \* \* To study the varied interests of a hundred thousand freemen; to advance the truths we call Republicanism against the alliance of patronage and power, of slavery and wrong; to prove a worthy soldier in the great battle of Freedom, of Equality and Right—these are in part the duties for which you bid me prepare. Such is the task which you have set before me. I accept it [Applause], and in doing so, I leave with you the pledge that the honor of the country shall never be tarnished in my keeping and that no Republican shall find cause to grieve for the vote he may cast for me. [Applause.]

The nomination you have bestowed upon me is the offspring of a contest full of endeavor and heated animation. I have been borne forward upon the arms of friends too steadfast and too generous ever to be forgotten; while those who have competed for the honors of this convention have been sustained with a zeal and an effort hardly less devoted. All this is well—well for the party—well for good results. There are, however, considerations connected with it upon which from the outset I have looked with deep regret. Harsh words have been spoken and published and things said in too great excess, by Republicans, one of another. For my own part I have written not a word which has been printed in the canvass, but if any hasty expression has crossed the lips of any friend of mine, or fallen from my own, in which injustice has been done to any true Republican, I here recall it. Let things of this sort be forgiven on every hand and let the waters of forgetfulness conceal them from future view.

There is, however, another incident which has grieved me at its every recurrence. I refer to allusions which have been made to the political antecedents of men—to a tendency to put forward some discrimination to be made between members of the same household of faith. In former times I was a Whig and believed in the “mill boy of the slashes.” [Applause.] In later days, when divisions had arisen, I was a Seward Whig, but I should be disappointed indeed were I to know that a single vote which has been cast for me was given for no better reason than a recollection of what I *was*. The thing they *are* is the test by which Republicans are tried and he, who would drive the wedge of an-



cient divisions and by-gone antagonisms into the party to which we all belong, would split it asunder and strew wreck and ruin in his way.

\* \* \* \* \*

Three rousing cheers were given as the candidate retired from the platform.

Several days later Mr. Conkling challenged his opponent, Mr. Root, to a joint canvass of the district, as may be seen by the following correspondence.

MR. CONKLING'S LETTER.

UTICA, September 28th, 1858.

*Dear Sir:*—Having been nominated by our respective parties for an important representative office, I propose that we meet before the electors of the district to discuss the political issues which now occupy the country and to define our several positions respecting them.

The practice of making direct avowals of political views, and submitting to open interrogation and scrutiny, has commended itself of late to candidates for nearly every elective office in the country ; and I welcome the custom, as you doubtless do, as a harbinger of honesty and truth and as a safeguard against deception and all the base appliances of politics.

At this time especially, there seems unusual fitness in affording to every elector before he makes choice of a representative in Congress, the opportunity to question the opposing candidates in the presence of each other. So serious are the charges against the Administration of Mr. Buchanan, and so deeply interesting to Oneida County are the issues involved in your election or mine, that they cannot be too freely canvassed.

It is the intention of the Republican party to arraign the policy and acts of the President and his supporters in all the particulars mentioned in the resolutions passed at the convention held at Rome on the 21st instant.



The times, places and mode of meeting the citizens of the various parts of the county I leave entirely to your convenience, subject only to the proviso that we make haste so as to leave no town unvisited. You will oblige me by returning an answer at your earliest convenience.

With much respect, your obedient servant,

ROSCOE CONKLING.

Hon. P. S. Root, Utica.

MR. ROOT'S LETTER.

UTICA, September 30, 1858.

Hon. R. CONKLING,

*Dear Sir:*—I have received your note of the 28th instant, proposing that we meet before the electors of this district to discuss the political issues of the day.

I am aware the custom you refer to prevails generally at the South and to some extent in the Western States. That mode of conducting a political canvass, however, has never been adopted in this county or State, and I am disinclined to assume the responsibility of introducing it at the present time. Besides, if disposed to do so, it would be impossible for me, under existing circumstances, to comply with your request. My official and other engagements are such as to require my personal attendance at my office daily, almost. For that reason I could not hope to be able to visit the several towns as suggested by you, however desirable it might be to do so.

I must therefore respectfully decline your proposal and for myself take some other method of making known to the electors of the county my opinions upon the questions they are to pass upon in the coming election.

The subjects that most deeply concern the public at this time and upon which the Congress, to which one of us will probably be elected, may have occasion to act, are Kansas and the tariff.

I will state to you frankly my position on these questions :

I am in favor of admitting Kansas with her present population as one of the States of the Union, whenever the people of that

Territory present a Constitution and request such admission. All parties have declared emphatically that her present population was sufficient to justify her admission—the Republicans by voting to admit her under the Topeka and the Democrats under the Lecompton Constitution.

I am also in favor of a tariff and ever have been. It is absolutely essential for revenue purposes. The millions required annually for the support of Government can be provided in no way so well and advantageously as by duties imposed on foreign imports. In adjusting the tariff, regard should be had for the manufacturing and productive interests of the country. They should be fostered and encouraged and it seems to me it can be done, so far as necessary, without difficulty or serious objection, considering the very large amount of revenue required annually for governmental purposes.

It is well known that when our various manufacturing establishments are in active, successful operation, all departments of labor and industry flourish and all classes of community partake of the common benefit.

With great respect, your obedient servant,

P. SHELDON ROOT.

Mr. Root did not speak during this memorable contest, but O. B. Matteson aided him with the support of an opposition newspaper. The canvass was waged with great activity by both political parties. Mr. Conkling addressed meetings in all of the thirty-six towns and wards of the county.

Coming to Utica with slender means, and relying on his own efforts for his legal education and position, he had the young men in sympathy with him, and they gave him a rousing majority at the polls.

The Republican newspapers called Mr. Root

"the Buchanan nominee for Congress." They also said: "Conkling's tour is a triumphal march; his meetings are thronged; his speeches ring with eloquence and liberty and his hearers are enthusiastic in their praise."

While the Congressional candidate went occasionally to the neighboring villages to address the voters, a few days later his brother-in-law, Horatio Seymour, visited the same places to overthrow the work that Mr. Conkling had just done.

Senator William H. Seward made a speech in behalf of Roscoe Conkling, at Rome, October 29, 1858. Mr. Seward was then the leader of the Republican party in New York. His voice had long proclaimed its tenets, and his counsel had controlled its affairs. Two years later he became the unanimous choice of the New York delegation at the Republican National Convention in Chicago. It was hence "a feather in his cap" when Mr. Conkling obtained Mr. Seward's aid in the canvass. The Senator spoke at length upon the Republican party in general, and the Congressional candidate in particular.

Referring to Roscoe Conkling, Mr. Seward, among other things, said:

\* \* \* You have decided that the interests of the cause in this district will be best promoted by the election of another member of the party, Mr. Roscoe Conkling. It is my duty to acquiesce in

that decision, and I do acquiesce in it without regarding the subject as open for review or further consideration. As it has been pleasant for me to bear my testimony in behalf of Mr. Matteson, so it is an occasion of sincere pleasure to speak in terms of the highest respect and esteem for the gentleman whom you have nominated to be his successor. Mr. Conkling, as you are aware, has been known to me longer than to yourselves. He was born, I think, certainly he was reared, in the town in which I live, and his parents and family have been for near twenty-five years among my most intimate personal friends. I saw in his childhood and early youth the indications of that high order of genius and talent which he has since developed among yourselves. While I remarked those indications with pleasure, it would be unjust to withhold the further confession, that when divisions occurred which carried many friends into courses and associations diverging from mine, Mr. Conkling remained in the course which I thought was the wise and true one, and perseveringly adhered to my own fortunes in political life.

After bearing this testimony of Mr. Conkling, it remains for me to declare, that I earnestly and with my whole heart desire the return of Roscoe Conkling to the House of Representatives. First, because the choice is between him, as a true friend of Freedom, and another, who in my judgment will be unfaithful to that cause. I do not reflect upon the personal integrity of the opposing candidate, but I say that he belongs to the Democratic party of the State of New York, which is faithless to that cause. If he should accept service in that cause, he must be untrue to the party by whose suffrages he was elected. In the choice between that cause and that party, I know no reason to suppose that he would choose the distinction of martyrdom for Freedom's sake. Secondly, I desire Mr. Conkling's election because he will bring into the discharge of his high trust a true devotion to the cause of justice and humanity, as well as confessed and superior ability. Such men will be wanted more in the Congress of 1859 and 1860 than ever before. \* \* \*

The election occurred November 2, 1858. The whole number of votes cast for member of Con-

gress was 19,335, of which Roscoe Conkling received 11,084 and P. Sheldon Root 8,251. Hence Conkling's majority was 2,833; a majority that testified to his great local popularity and personal worth.

It is worthy of remark that Mr. Conkling's father represented in the Seventeenth Congress what might be called the same district of Central New York.

Unlike many other prominent public men, Roscoe Conkling, on his way to that political career upon which his fame rests, did not pass through the lower stages of State politics, *i. e.*, the two houses of the Legislature. We have seen that he held one county and one municipal office, but he was never selectman, alderman, nor member of the board of supervisors. When elected to Congress he was just twenty-nine years of age.

Soon after his election, the autograph hunters began to pursue him, as may be seen by the following letter. It is taken from a copy in his own hand. He then commenced the habit of keeping a transcript of everything except notes answering a social invitation.

UTICA, November 13, 1858.

*My Dear Sir:* Your note of day before yesterday is before me.

The signature of an humble son of toil, one of a countless brotherhood! What can it be wanted for? No banker wants

it; no spell, no honor, attaches to it—a worthless thing—perhaps it is to have a place upon the roll of kindly remembered names.

This may be it. I'll give it with the kind regards of  
Your ob't serv't,

ROSCOE CONKLING.

W. W. COBB, Esquire.

The following correspondence between Thomas Corwin, of Ohio and Roscoe Conkling relates to the Thirty-sixth Congress.

CORWIN & SAGE, Attorneys at Law. }  
LEBANON, O., 26th Dec., 1858. }

*Dear Sir:* I am not *headstrong*. I wish I were somewhat stronger in that quarter than I ever was or shall be. Some rather sad experience has made me rather mulish, or perhaps brought me to a resemblance of the father of that most useful and much abused animal. I feel a disposition to stand still, shake my ears and kick. Whether I am prompted by angels, as was Balaam's *horse* of old, only eternity will decide. I could not believe that it was a sensible and reasonable thing that a man whom they never saw should travel 500 miles to tell your constituents how to vote. Yet to comply with your wishes I would have done so, had I not promised a poor God-forsaken Irishman that I would cut him down from the gallows. I did feel very anxious for your success, for I thought there was both knowledge and *truth* in you. Both are now needed in our public affairs more than ever for the last forty years. If you don't see this now, you will when *you* take your seat in Congress.

I may visit New York in March or April. I should like very much to see you then. I have one or two schemes in my head. If I can see them accomplished, I shall have achieved all I wished when I determined once more to leap into the stormy sea of politics. I am not sanguine. I have learned to hope for little, and thank God for very small favors. But if nothing is attempted,



nothing will be accomplished. We *must try* to anchor the old ship in safe mooring. If we fail, why, God only can help us and the good ship too.

Your friend,

THOS. CORWIN.

ROSCOE CONKLING, Utica, N. Y.

[*Private.*]

CORWIN & SAGE, Attorneys at Law. }  
LEBANON, O., 16th March, 1859. }

*Dear Sir :* You may have seen that I am "spoken of" as a proper person to be made Speaker of the next House of Congress. I am quite willing to take that "burden" upon me. I do not, will not, solicit the office. Will you do me the favor to say, in reply to this, whether you believe the New York Republicans would be likely to vote for me. You see I ask your confidence. I beg you to put this in the fire and let me know if the question I ask is in any sense disagreeable. I do not value any office at a rate so high as the esteem of an honest man.

Yours truly,

THOS. CORWIN.

R. CONKLING, Esq.

MR. CONKLING TO MR. CORWIN.

UTICA, March 19, 1859.

*My Dear Sir :* I have the pleasure to acknowledge your favor of the 16th inst., just received. I infer that my letter written you some time since on my return from Washington has never been received. It related in part to the general subject of your letter now before me. The question you put as to the action of our delegation upon the question of Speaker is hard to answer with any certainty, but you entirely mistake my feelings if you suppose I have the slightest reserve or reluctance in giving you all the light I can. That several of our delegation are for you, I have good reason to believe, and I know of no reason why every man in the delegation may not vote for you. I do not think any committals have been made.

It has been suggested that strong combinations may centre



upon Horace F. Clark, anti-Lecompton Democrat, from New York City. In such an event men might of course be carried from their spontaneous preferences. Nothing, however, short of a want of sufficient votes to carry a Republican could bring about such a result, it seems to me. Then, too, our party managers and President-makers will have their "slate," which will "carry" with more or less of the delegation, no doubt. This lamp will be fed with such oil as would flow from the sound of your voice in this State, if you would let it be heard in season. Think of this.

Mr. Grow will no doubt seek the place, relying in part upon having received the caucus nomination last year. But there seems of late a drifting toward Mr. Sherman, of your State (who is announced, in case no extra session is called, to go abroad with Dr. Bailey of the *National Era*); this movement would of course add importance to the attitude of your delegation.

Assuming that the question in caucus should be a simple one upon Speaker, by itself, untrammelled by location, and Ohio should vote for her most distinguished son, I should marvel if New York did not also vote him. I wish I might see you for an hour or two. If you are to be in or near this State soon, let me know it, if you please, and let me know also how Ohio and other States, as far as you are advised will stand, not only their Representatives, but leading men. Mr. Wade, Mr. Lincoln, Mr. Trumbull, Mr. Chase, for example, how are they? Do not hesitate to write anything to me. You are perfectly safe in doing so. In the hopes of an early reply, I am,

Very truly yours,

ROSCOE CONKLING.

Hon. THOS. CORWIN.

CORWIN & SAGE, Attorneys at Law. }  
LEBANON, O., 24th March, 1859. }

*Dear Sir:* Thanks for your letter, which I read last night on my return home. I pray you give not a moment's thought to the subject of our correspondence. I should like to have the power to organize the House—that's all. I see the difficulties that lay across the track, and I fear they will be beyond control until we are defeated in 1860; then we may unite in a respectable minority.

We shall be well whipt in the next grand Battle unless we can relax a very little of the selfishness and Egotism of party *North* and *South*. At present the South is by far the most unreasoning and unreasonable of the two. The others on all hands deserve death. If I come near you soon, I will advise you of my coming and will contrive to see you. Do not suppose for a moment that I fear to trust you or myself. My confidence is entire, if it exist at all. Besides, on such matters, I have not, never had, a secret. Perhaps that is a grave error. I can't help it, and don't care if it be so.

Truly your friend,

THOS. CORWIN.

Hon. R. CONKLING.

UTICA, April 9th, 1859.

*My Dear Sir:* I have been absent, and now improve the first convenient opportunity to answer your favor of the 24th ult. I am, I confess, a little disappointed by what you say, and not a little sorry for the determination to which you seem virtually to have come, touching the subject of our recent correspondence. I hope my last letter has had nothing to do with your conclusion. I meant it as a simple statement of all the information in my power of the kind most likely to be useful to you, but I fear it in some way failed in its office. You bid me dismiss the whole subject from my thoughts. This I cannot do—I would not do so. As I wrote once before, you enter too largely into my thoughts of a pleasant and instructive term in Congress to allow me to dismiss any matter connected with you which I have a right to meddle with. Why, if I should heed your exhortation, I should drive out of mind the probability of one of the most agreeable things to me which possibly could happen. I hope you will reconsider your present inclination. Of course, as a friend of yours, I would not if I could, be instrumental in inducing you to enter into a personal endeavor for such a result, but if it shall come in a different mode I would have the way clear. But I will not wander into suggestions, for these you do not need from me.

Very truly your obt. servant,

ROSCOE CONKLING.

Hon. THOS. CORWIN, Lebanon, O.

LEBANON, April 16, 1859.

*My Dear Sir:* On my return home this evening I received your letter of the 9th inst., and hasten to answer it.

I beg you to believe that my last letter to you was not written in any spirit of petulance, complaint, or dissatisfaction with anything contained in your letter to me.

Having learned that some of the leading Republicans of this State looked upon me with distrust and did not consider me as friendly to their party organization as they thought I ought to be, I came to the conclusion that it was useless to give myself any further concern, or put my friends to any trouble with reference to the Speakership of the next Congress. The organization of the next House is an object which I have greatly at heart, and I verily believe that I can control it more to the advantage of the country than anyone whom I have yet heard of as likely to be chosen to fill the chair. That opinion was founded not in any egotism, but was the result of my estimate of my particular position with reference to the different parties. I have been recently in Kentucky, Pennsylvania and New York, and happened to meet with some of the leading minds in all of these States. From all that I have seen, I have come to the conclusion that the conservatism of the North and of the South will be swallowed up by two violent sectional parties; and my opinion is that Democracy led on by the South will prevail. Facts to be developed this summer, among which the Virginia elections will occupy a conspicuous place, may change this view of the subject.

My extreme anxiety to accomplish certain great National objects will forbid my entering into a scramble for any office which might embarrass me in the attainment of the ends which I have in view. It was my desire to accomplish these ends which mainly prompted me to wish the control of the organization of the House. On all these subjects the history of the next six months will throw more light. It will be our duty to act upon matters and things as they may exist when Congress shall assemble. In the mean time, whatever may happen I hope to enjoy much pleasure in your society and that of a few other kindred spirits.

Yours truly,

R. CONKLING, Esq.

THOS. CORWIN.

1859-1861.

## CHAPTER VII.

HIS FIRST TERM IN CONGRESS — EXTRACTS FROM  
SPEECHES ON THE POWERS OF THE SUPREME  
COURT OF THE UNITED STATES, AND IN OPPOSITION  
TO SLAVERY.

IT is stated in the preceding chapter that Mr. Conkling resigned from the mayoralty November 19, 1859. A few days later he went with his family to Washington and began his Congressional career. This was perhaps the most exciting and eventful Congress since the year 1812.

The Thirty-sixth Congress met Monday, December 5, 1859. At that time the State of New York was represented in the Senate by William H. Seward and Preston King, whose terms expired respectively in 1861 and 1863. The House consisted of 237 members and five Territorial delegates. It was politically divided as follows: Republicans 109, Democrats 101, Americans twenty-six, and one Whig—Emerson Etheridge, of the ninth district of Tennessee. It will be seen that, although

in a minority, the Republicans outnumbered any other party.

Of the thirty-three members of the New York delegation, there were twenty-four Republicans, seven Democrats and two Americans. Among the first named were Francis E. Spinner, Eldridge G. Spaulding and Reuben E. Fenton. The Democrats included Daniel E. Sickles and John Cochrane, as well as Horace F. Clark, John B. Haskin and John H. Reynolds, who were classified as anti-Lecompton Democrats. The two "American" members were Luther C. Carter and George Briggs.

Some of Mr. Conkling's associates from other States were, Justin S. Morrill, of Vermont; Charles F. Adams, Alexander H. Rice, Henry L. Dawes and Anson Burlingame, of Massachusetts; Thaddeus Stevens and Galusha A. Grow, of Pennsylvania; Henry Winter Davis, of Maryland; George H. Pendleton, Clement L. Vallandigham, James M. Ashley, Thomas Corwin, Samuel S. Cox and John Sherman, of Ohio; William H. English, William S. Holman and Schuyler Colfax, of Indiana; Elihu B. Washburne and John A. Logan, of Illinois, and John H. Reagan, of Texas.

The clerk of the last House (James C. Allen) called the House to order, and only nine members failed to answer to their names.

The first vote for Speaker took place on the opening day of this Congress. The whole number of votes cast was 230; necessary to a choice, 116; of which Thomas S. Bocock received eighty-six, John Sherman, sixty-six, and Galusha A. Grow, forty-three; several other candidates each receiving from one to five votes.

The result was, of course, no choice.

A long and bitter contest over the Speakership ensued. After many ballots John Sherman, who was the Republican candidate, gave way to ex-Governor William Pennington, the sole Republican from New Jersey.

The forty-fourth ballot decided the battle, February 1, 1860. There were 233 votes cast; necessary to a choice, 117, of which

|                                  |     |
|----------------------------------|-----|
| William Pennington received..... | 117 |
| John A. McClernand.....          | 85  |
| John A. Gilmer.....              | 16  |

Eight other members received severally one or two votes.

Governor Pennington was hence declared duly elected; and the clerk, after presiding for the long term of two months, left the Speaker's chair.

Slavery was then the supreme issue in the republic. The raid of John Brown in Virginia and the question of Kansas were its turning-points. In this Congress occurred a long dispute concern-



ing Hinton Rowan Helper's *Impressions of the South*, wherein slavery was discussed from the economical standpoint.

Mr. Conkling entered Congress against the earnest protest of his partner. The firm were gradually getting the "cream" of the legal practice of Central New York, yet the inducements were such that he could hardly decline his first nomination. He was but twenty-nine years of age and a nomination was equivalent to an election. His father had been in Congress, and Mr. Conkling took a warm and growing interest in national affairs.

Despite the fact that his father had been a slaveholder in the Mohawk Valley, he wished to do his utmost to aid in suppressing slavery. He was one of the youngest members of the House. Considering this fact, his influence and standing are worthy of mention.

He took no active part in the "society" of the capital. In fact it was difficult for Northern men to attend social gatherings. The families of members from the North and South did not associate. Conversation at dinner-parties was embarrassing, for one did not always know his neighbor's views on public questions. Republicans were to a large extent tabooed in Democratic circles. The same spirit was shown in the galleries of Congress. There the



ladies divided themselves on different sides—the one for the North, the other against it. In this state of affairs Mr. Conkling had neither the wish nor the opportunity to partake of social festivities. National affairs were grave and menacing and the impending crisis at the South was constantly expected. Mr. Conkling was an admirer of the scholarly Henry Winter Davis, of Maryland, and of the swarthy orator, Thomas Corwin, of Ohio. When the latter spoke, the galleries were crowded, as were those of the Senate many years afterward, when Roscoe Conkling had the floor. He engaged in copious correspondence with his father, who was a Nestor in the law. When Judge Conkling received from his son a letter asking advice on some legislative question, he would often sit up late at night to return a prompt reply.

A colleague of Roscoe Conkling says of him: "At first Mr. Conkling was quiet, reserved and attentive. Representatives soon appreciated him and consulted him, *e. g.*, Charles Francis Adams. Conkling was politic and very observant. He was also a ready speaker, and his influence could be felt in many ways."

One of Mr. Conkling's warmest friends and counselors was Thaddeus Stevens, of Pennsylvania. He served with him in two subsequent Congresses and during this period their friend-

ship increased. A notable incident of the session occurred December 6, when Mr. Conkling stood in the aisle by the side of Mr. Stevens, to protect him from the assaults of several Southern fire-eaters. The occurrence was minutely described in the *New York Evening Post*. The article is here given in substance; and it is worthy of remark that, seven years later, the same newspaper advocated Mr. Conkling's election for Senator, but soon afterward became his bitter enemy. At the time of the Stevens incident it was said that the galleries were full of armed men, who were ready to climb over the railing and drop to the floor in case a fight ensued. Had a collision occurred, it is probable that many members would have been killed.

[From the "*Evening Post*," *New York*, January 14, 1860.]

#### AN OCCASION, AND THE MAN FOR IT.

*To the Editors of the Evening Post:*

Early in the session of the present Congress, Stevens, of Pennsylvania, was making an earnest speech in reply to the fire-eaters, who had been thrown into rhetorical convulsions by the ghost of John Brown, when Keitt and several kindred spirits rushed from their seats with the intention of scaring the speaker, or punishing him for the free use of his excoriating Saxon.

\* \* \* \* \*

The clerk could not control them—the laws of God and the laws of man, parliamentary usage, and the rules of courtesy, were gossamer threads to them, for their blood was up, and they were determined to put down by force the man they could not

answer by argument. During this tempest of excitement, a tall, handsome young man, who had been a silent spectator of the storm, quietly arose from his seat and walked hastily to the side of the orator; there he stood, with flashing eyes and folded arms, ready to risk his life in defense of free speech and freedom. Washburne, Kenyon, Sedgwick and others were soon at his side, but he stood there like Saul among the Hebrews, a head and shoulders the tallest.

I would say, in parenthesis, that those scions of the South who have regard for their personal welfare had better not venture too far on the good nature of this accomplished gentleman, unless they have enjoyed the advantages of that physical training which will enable them to defend themselves when they deserve to be punished. I speak of the Hon. Roscoe Conkling, of Oneida. He is a man of great physical strength and courage to match, and, I will add, his physical education has not been neglected. He is always a gentleman—a bully, never—and is distinguished for a happy combination of the *suave in modo* with the *forte in re*, and will be the last man in Congress to provoke an assault, and the first to resent an insult.

\*       \*       \*       \*       \*       \*       \*       —

Though eloquent, he has not yet spoken in Congress; but Oneida has a voice as well as a vote there, and when the time comes for him to speak he will do honor to himself and his constituents.

\*       \*       \*       \*       \*       \*       \*

Mr. Conkling seldom spoke during the first session of this Congress, and up to this time his reputation as an orator was local, not national. Henry Winter Davis, of Maryland and Thomas Corwin, of Ohio, were perhaps the most prominent orators, although the latter was better known as a Western stump speaker.

While a member of Congress, Mr. Conkling was constantly in attendance at the sessions. The

winter was mainly devoted to a debate as to what would be the attitude of the Democratic party with regard to the slavery question in the Presidential campaign of 1860.

For the greater part of the session Mr. Conkling was a listener and a learner. Two months having been spent in selecting a Speaker, there was no work for him in the committee-room. On February 9, the Speaker announced the standing committees and the member from Oneida was appointed on that for the District of Columbia.

Between Northern and Southern members relations were now somewhat strained. Whenever a member was seen handing notes or cards to a colleague on the floor of the House, it was at once supposed that the note contained a challenge. A sensational item grew out of this fact, for the correspondent of a New York journal started a rumor that Mr. Conkling had come into collision with Mr. Barksdale, of Mississippi. *Apropos* to this story Mr. Conkling made the following explanation, which is taken from the *Congressional Globe* of January 13, 1860 :

*Mr. Conkling.* With the consent of the gentleman from Tennessee, I will make a brief personal explanation. My attention has been called to a dispatch, emanating, I suppose, from the reporters' gallery of this House, which has been sent to a newspaper published in the city of New York, in which my name and the name of the gentleman from Mississippi (MR. BARKSDALE)

are brought into juxtaposition. I ask the clerk to read the names I have marked.

The clerk read as follows:

## NOTES BETWEEN MEMBERS.

*Cards between Conkling and Barksdale.*

Mr. Conkling, of New York, has also passed a note to Mr. Barksdale, of Mississippi.

*Mr. Conkling.* That is enough; and all I desire to say is, that the statement is entirely without foundation, as I never had the pleasure of holding with the gentleman from Mississippi the correspondence there referred to, or any correspondence whatever.

*Mr. Barksdale.* I desire simply to corroborate the statement made by the gentleman from New York; and to say that there is not the slightest foundation for the dispatch contained in that paper, and that I have never received from that gentleman a message of any character, much less a hostile one.

*Mr. Keitt.* I did not intend to allude to this matter when it was brought to my attention this morning. It has never been my custom to correct newspaper errors, or to notice any newspaper representations or misrepresentations whatever; but after the member from New York (Mr. Conkling) has disclaimed, my silence might be construed into an affirmation of the facts stated in that same dispatch. With the excitement yesterday I have only to say that I had nothing to do, and there is no foundation whatever, so far as I am concerned, for that dispatch, as to my sending a message or note to the member from New York.

*Mr. Vallandigham.* Inasmuch as this subject has been introduced, I beg leave to say that I was the "second" of the gentleman from New York (Mr. Conkling) in passing a little *court plaster*, in an envelope, from him to the gentleman from Mississippi (Mr. Barksdale). I believe that was all that "passed" between them and gave rise to the report just referred to. [Laughter.]

The first speech of Mr. Conkling was upon the contested election case between Daniel E. Sickles and Amos J. Williamson of the third Congress-

*Camer*

sional district of the city of New York. Several years before, he had been counsel for the contestant at an election in Central New York, and he then became familiar with the law of canvassing votes. Mr. Conkling spoke in behalf of Mr. Williamson, who was a Republican. This case may be briefly described as follows :

The Board of Canvassers for New York County in 1858 returned the votes cast in several Congressional districts as cast for *member* of Congress. The Board of State Canvassers held that on this statement they could not give any one a certificate as *representative* in Congress. On this state of facts, and in reply to other Representatives, Mr. Conkling made a long legal argument. Thus he concluded his remarks :

“ I hope, sir, that we shall be able to steer clear of the technical impediments that have been thrust in our way, and to arrive at the truth touching the rights and qualifications of the person most concerned in these proceedings.”

Referring to the Sickles-Williamson case, the New York *Tribune* published the following dispatch, dated at Washington, March 20, 1860.

The contested election case of Messrs. Williamson and Sickles occupied nearly the whole sitting of the House. Messrs. Dawes and Campbell made a clear presentation of the case, sustaining the resolution of the majority, allowing Mr. Williamson time to take testimony, which was answered by Messrs. Gilmer and Gartrell. Roscoe Conkling's argument reviewing those



speeches, defending the action of the Board of Canvassers in not issuing certificates of election, because of the admitted informality of the votes, and sustaining the course which Williamson had pursued as a contestant, made a marked impression. Though addressed to legal propositions mainly, the reasoning was so clear, close and conclusive as to attract general interest, and extort praise from all sides, at once giving Mr. Conkling a prominent position among the ablest minds of the House. No more successful first effort has been witnessed for years and with so little parade or preparation.

Amos J. Cummings, of the *New York Sun*, has lately published the following reminiscence :

I received my first impressions of Roscoe Conkling from reading about him in the newspapers. He was then a Congressman. It was during the days of the anti-Lecompton fight. John B. Haskin was one of the Douglas Democrats who voted for Pennington for speaker. In one of the exciting scenes in the House over the Kansas row, Haskin resented an attempt at "bulldozing" on the part of the Southern members. His gesticulations were so violent that a revolver dropped from his breast pocket, and Conkling quietly kicked it under a seat out of sight. Afterward he returned it to Haskin. The newspaper correspondents got hold of the incident, however, and told the story in masterly style, giving great credit to Conkling for his presence of mind.

The desperate character and the spirit of hostility manifested by the Southern members toward the members from the North may be illustrated in the challenge of Mr. Pryor, of Virginia, to Mr. Potter, of Wisconsin, for what the former termed an "affront offered in debate." The correspondence began April 11, 1860. Mr. Potter replied on the same day, and referred his opponent to Colonel



Lander, his second. The latter gentleman, in answer to a formal challenge, *chose bowie-knives as the weapons*, and the distance to be four feet at the commencement of the engagement. The member from Virginia at once declined to fight the duel.

Mr. Conkling's work in the House was not as a mere district representative, but as a statesman whose intellect and sympathies were broad enough for the whole country. His first long speech was in Committee of the Whole on the state of the Union, concerning President Buchanan's last annual message. That tool of the propagandists of slavery had united the power of the Executive branch of the Government to that of the Judiciary under the lead of Chief-Justice Taney, to override the Legislative branch, and to fasten human slavery forever on the Territories by a dictum of law. The Supreme Court of the United States, in denying the citizenship of Dred Scott, had asserted in effect that every acre of the Territories was already the lawful prey of slavery; and President Buchanan had declared in terms that "neither Congress, nor a Territorial Legislature, nor any human power had authority to annul or impair this vested right."

It was this assumption of the Supreme Court to interpret the Constitution, and to bind the law-making department of the Government to that

interpretation, which Mr. Conkling attacked with an argument which defines the limits of the three co-ordinate branches of our Government. He proved from the Constitution itself, and the debates and votes of the convention which framed it, that whenever the federal Judiciary gave a decision which, in the judgment of Congress, was subversive of the rights and liberties of the people, or was otherwise hurtfully erroneous, it was not only the right, but the solemn duty, of Congress persistently to disregard it. The long argument was from beginning to end unanswerable.

Roscoe Conkling was allowed one hour, but at the end of his time, when the hammer fell, and it was found that he had not finished his remarks, a proposition came from the Democratic side of the House that he should be allowed more time, which was agreed to. It is hardly necessary to say that such a tribute is seldom paid to any member of any party, and especially to a young man among the new members of Congress. The speech was delivered April 16, 1860, and it is fully reported on pages 233-236, in the appendix to the *Congressional Globe* of the first session of the Thirty-sixth Congress. The Republican Executive Congressional Committee printed this speech in pamphlet form and made it a campaign document in the Presidential contest of 1860. Hon. Preston King,

of New York, was the chairman of this Committee. A small part of the speech is here given :

Mr. Conkling said:

*Mr. Chairman :* I purpose to remark upon that part of the message wherein the President informs us that the fate of all the Territories of the republic has been irrevocably sealed by the action of a court of law.

The announcement is a very extraordinary one; it could never have been made had our institutions been purely elective. Objectionable as such a system may have appeared to our fathers, it would have preserved the American Congress forever from such a greeting as the present Executive has sent us.

With no powers or agencies save those conferred directly by the people, and these deprived of the element of growth by provisions uprooting them at frequent intervals, an age of the Government would not have come when a judicial tribunal would attempt, in the sense implied by the President, "a final settlement" of great political questions. Certainly no such attempt would have been based upon theories falsifying the history of the country, and calculated to enthrone barbarism in every Territorial possession, if not in the States themselves. But, sir, the checks and balances adjusted by our fathers have proved inadequate to avert so strange a contingency. The Government had not reached the allotted years of man when its judicial department attempted all that I have stated. In a case presenting the simple question of one poor plaintiff's right to maintain his action, the Supreme Court has undertaken to fix forever the most sacred rights of millions. The step, to be sure, was premature. Ample in jurisdiction, and impatient to exercise it, that august tribunal was unwilling to turn a black man from its doors without excessive reasonings. The citizenship of the plaintiff was the only point in judgment, and that being determined adversely to him, the case was at an end. Nevertheless, the opinions swell into a museum of discussion, which, however distinguished the debaters, deserves no reverence as law.

\* \* \* \* \*

If the construction now for the first time contended for by the party calling itself Democratic be true, the apostles of limited government, in their earliest ministrations, installed a power practically as irrevocable and irresponsible as an artificial power could be, and more sweeping and absolute in its supremacy than any judicial tribunal mentioned in history.

Not the Imperial Chamber of Maximilian, not the courts whose records have been kept by the headsman at the block, certainly no tribunal which has escaped the execrations of humanity, ever wielded such unmeasured power.

Why, sir, the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of judges; it amounts to a running power of amendment. If the Constitution as the court now expounds it is the Constitution we, as legislators, are sworn to support, our allegiance in the year of grace 1860 is due to an instrument very different from that which guided those who have gone before us.

But, without allowing myself to dwell upon the enormity of such a power, let me speak of the anomaly of its existence.

The federal polity of this country is nothing more than three agencies—the legislative, the executive and the judicial; all alike constituted by the people to do particular acts. However disguised by titles or deified by ascriptions, these several departments are mere agents of one principal, servants of one master; acting and being under one appointment, namely, the Constitution of the United States.

Now, by what dislocation of the settled notions of centuries should one of three agents, coeval and identical in origin, be suffered to determine for himself, as against all the world, not merely his own powers, but the rights and powers of his co-agents, the construction and effect of the common warrant, and the powers, remedies and rights of the common principal; and this without escape and without appeal? Bear in mind, in the case I am putting, the principal is the jealous people I have described; the powers flung away are the same just rescued from eternal loss by martyrdom and war.

But, sir, this one overmastering agent is a more marvelous creation than I have stated. Its appointment is perpetual, and

was executed in blank, the principal not knowing whose name might fill it at first, nor who would succeed when changes should occur. The other two of these three agents are selected directly and solely by their authorizing power, and they yield up their trusts finally at frequent intervals. But notwithstanding this, the uncounted and unlimited powers were all, we are told, given to the one whose appointment is irrevocable, and whose personality the principal can never know. \* \* \*

The press comments on this speech may interest the reader.

The *Utica Morning Herald and Daily Gazette* published April 25, 1860, the following :

MR. CONKLING'S SPEECH.

The late speech of Mr. Conkling on the "Constitutional powers and authority of the Supreme Court" has enlisted a degree of attention and warmth of commendation surpassed by few if any efforts of the session. The *Washington Constitution*, the personal organ of the President, makes it the subject of a leading editorial, in which the editor, while assailing its doctrines, concedes its ability and styles its author "the smooth rhetorician of the Seward school from the Oneida District."

The Washington correspondent of the *New York Courier and Enquirer* pays the speech this glowing compliment :

Another young statesman made an effort in the House, which was listened to with the most profound attention by all parties, and which was characterized with unusual ability and research. I allude to the argument of Mr. Roscoe Conkling upon the Constitutional powers of the Supreme Court. It was most carefully prepared and was delivered with fine effect to a full house. It is a very rare occurrence that a new or even an old member can secure a good audience of fellow-members, to say nothing of outsiders, when the House is in Committee of the Whole. It is

a high compliment, therefore, to Mr. Conkling's talents as a speaker that he was able to retain both members and spectators during his whole hour. But I must pay him the still higher one of saying that all seemed to consider themselves well compensated for staying. His searching analysis of the Constitution, and his definition of the powers which it confers upon the co-ordinate branches of the Government, were full of interest, and were commended by the ablest lawyers in the House, who thronged around him to tender their congratulations at the close. Among others I noticed Mr. Charles Francis Adams and Hon. Thomas Corwin, both of whom were very hearty in their greetings. Mr. Conkling's style is very deliberate and pleasing. His voice fills the hall without effort and his manner is entirely easy and self-possessed. If the effort of to-day is any evidence of his ability, he has a brilliant future before him.

After the nomination of Lincoln and Hamlin at Chicago, Mr. Conkling left Washington to "take the stump" in their behalf. He wished to begin at the beginning of the campaign.

During the summer recess of the Thirty-sixth Congress, Roscoe Conkling reviewed his political position and discussed the questions of the day. He spoke in Utica, June 5, 1860, at the Republican ratification meeting for Lincoln and Hamlin. Among other things he said: . . . "New York was there, bearing aloft the proud banner of the most illustrious of her living sons (Seward). My friends, you may well cheer his name. He went to the United States Senate when it best showed how, in the language of an eminent statesman, mere contact with the institution of slavery tends



to brutalize the character and manners of men. He went to Washington when it was what it is now, a hard place, a discouraging place, for an honest and industrious representative of a free constituency. He went there to vindicate the almost forsaken principles of Washington and Jefferson and Madison. He filled the whole country with his renown. His writings and speeches found places in the libraries of statesmen in other lands. If the question at Chicago had been, Who shall be President? instead of, Who shall be the candidate? beyond all question the choice would have fallen upon New York's illustrious statesman." Mr. Conkling thus availed himself of the opportunity publicly to express his gratitude to Senator Seward for his aid in the campaign of 1858.

In a style often humorous, bringing down the house in roars of laughter, Mr. Conkling proceeded to sketch the character of Lincoln and Hamlin. Of the latter he spoke from personal acquaintance; as to the former, he had enjoyed the pleasure of hearing Judge Douglas say he was the ablest lawyer in Illinois, and the best stump-speaker in the Union. Mr. Douglas said, moreover, that Lincoln was an honest man, who believed in his politics, and who would carry them out in whatever situation he was placed. This he thought very high endorsement from a Democrat.



ic source. There were two Democratic objections to Mr. Lincoln that he had seen. One was that he was a "Hoosier," deficient in manners. To this Mr. Conkling replied that he "would uphold 'Hoosier' manners any day against plantation manners, after having had some experience of the latter. It was objected, also, that Mr. Lincoln was not a good enough lawyer! Well, the ears of that man must be longer than common who could read Lincoln's debate with Douglas and call the former a third-rate lawyer."

He spoke again to four thousand persons at the great Republican meeting at Hampton, September 1, 1860. Said the *Utica Herald*:

\* \* \* He spoke for over two hours and with a power and eloquence which we have never heard him surpass.

\* \* \* \* \*

The speaker discussed the creed of the Republican party; refuted the charge that it was sectional; insisted that the Democracy had been the persistent, unwearying apostles of agitation; cited the repeal of the Missouri Compromise, to show who were the fomenters of sectional discord; referred to the election of Speaker, last winter, when for ten long weeks the Republicans sat dumb and patient, while the Democracy raved and ranted like madmen; and charged that the latter have for years exclusively devoted themselves to the business of slavery agitation to the neglect of more practical subjects.

Mr. Conkling defined with great clearness the radical difference between the position of the Republicans and their opponents on the question of slavery in the Territories. The former proposed to exclude it where it has no right to go, while the latter endeavor to force it upon free Territories in spite both of Con-

gress and the people. He insisted that the doctrine of the power to restrict slavery was older than the Constitution; that it was never denied by any party until within the past few years; that Douglas himself urged the extension of the Missouri line to the Pacific Ocean. He denied that there was any essential difference between the principles of the Douglas and Breckinridge factions of the Democratic party; denounced Popular Sovereignty as first a humbug and now a cheat—a humbug, because no such thing as a healthy civilization could grow out of competition between slavery and freedom; a cheat, because it is now openly avowed, even by Douglas himself, that not the people, but the Supreme Court, shall exercise “sovereignty” over the Territories. \* \* \*

He defended the course of the Republicans in Congress during the last session; paid an eloquent tribute to Lincoln; and concluded by speaking of the important part which New York is to play in the present canvass.

The delegates chosen by the Republicans of the several towns of Oneida County met in County Convention at Spencer Hall, Rome, September 4, 1860. After the usual preliminary business, J. H. Mayo, of Western, stated that he desired to see the present member of Congress unanimously re-nominated. Two delegates then made brief remarks, when Mr. Mayo resumed and said:

When members of Congress are struck down in their places while in the discharge of their duties,\* it is time for us to consider all the qualities of our representatives. Mr. Conkling has never cringed nor trembled in presence of the slave power. When Mr. Stevens, of Pennsylvania, was threatened in the House, Mr. Conkling was the first man to stand by his side, and to protect him from insult and assault. The Convention seems impatient. I want to see physical as well as mental vigor cultivated. (Cries of “Question! Question!”)

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\* Charles Sumner.

The chairman then put the motion "that Hon. Roscoe Conkling be nominated unanimously, and by acclamation, for representative in Congress." The motion was carried without opposition and three cheers were given for Mr. Conkling. Nominations for county offices were then made. Next came the reading of the resolutions. The one referring to Mr. Conkling was as follows:

*Resolved:* That the unanimity and enthusiasm with which Hon. Roscoe Conkling has been nominated by this Convention well exhibits the entire approbation with which the Republicans of Oneida regard his Congressional career. While he has performed his duties with distinguished ability, his fidelity to the cardinal principles of the party has been signal and unwavering, and in his person neither our district nor our country has suffered a stain upon its fair fame. We receive the true and noble service of his first term as an earnest of the valuable and devoted support he will render to the Administration of a Republican President. Able, trustworthy and upright beyond reproach, his constituents, as with one voice, call him again to the councils of the nation.

The committee of three, which had been appointed to notify Mr. Conkling of his renomination, soon returned, accompanied by that gentleman, who was greeted with tumultuous cheers. Ascending the platform, he spoke substantially as follows:

*Mr. President:* Two years ago a convention like this conferred upon me the same honor that you have now bestowed. In accepting it then, I left with the people of the District but a single pledge, and that was that Oneida County should not be disgraced or betrayed through me. I promised that no man who gave me

his suffrage or support should find that he had voted for one false to the principles of his party, or one who would tarnish the honor of the District or bring upon it a blot of disgrace.

In accepting the nomination now offered me—and what to me is more valuable still, your confidence and approval—I can only renew the same pledge which before I made to you.

Thanking you, as I do most profoundly, and through you the great and generous party you represent, for the cordiality and unanimity with which my name has been presented, I assure you that nothing shall be intentionally wanting on my part to deserve your partiality and that of the people of the county of Oneida.

And now, Mr. President, having said thus much, I have a suggestion to make more in harmony with the convenience and wishes of the convention than anything I could say of the contest before us or the victory which awaits us. This body is composed of business men; men who, at a busy season, have met to transact business and for no other purpose. That business is completed, a rain is gathering, and many here are far from home. An adjournment now will enable all, whether dependent upon the railroads or upon special conveyances, to return home before night-fall.

Between now and November we shall all meet again—I trust very often—and in that hope I take leave of you for the present.

The Convention adjourned with repeated cheers for Lincoln and Hamlin, for Morgan and Conkling. Some jealous ward politicians opposed the renomination of Roscoe Conkling, but his easy victory in the Convention showed that he could rule them “by ever daring to be first.”

His subsequent successes were the result of a constant collision with the local politicians. Some of Mr. Conkling’s friends said that these contests were a continual shock to his personal and states-

manlike dignity. They were, however, mistaken, for he went upon the principle that "what is hard to get is worth having."

We have seen that in his election as mayor Mr. Conkling received some support from independent Democrats. It is well known to the older citizens of Utica that in the Congressional election of 1860 he obtained many votes from his political opponents. One of the number was William Dunn, whose name, in Mr. Conkling's copy of the Utica directory of 1860, is marked with a cross (X), to which are added the words "Voted Conkling." "Bill" Dunn, as he was commonly called, died in March, 1889, and the following paragraph from the Albany *Times* of April 2, 1889, describes him :

Utica has lost a notable and beloved figure, William Dunn, the driver of the baggage wagon from the Utica depot. The Utica *Observer* says :

"When Senator Conkling habitually rode from the depot to his house on Bill's wagon, it was the witty gossip of his companion as well as the hard springs of the vehicle that shook up the Senator and gave him an appetite. William Dunn was a Democrat, but he was 'a Conkling man' through and through."

The Senator had certainly the habit of small courtesies, which in a thousand ways won him many friends.

The election took place in November. Out of a total vote of 21,509, Roscoe Conkling received 12,536, being a majority of 3,563 over Dewitt C. Grove. The Republican electors (Lincoln and Hamlin) also received 12,536 votes.

The second session of the Thirty-sixth Congress was stormy and exciting, for the Democratic members were fighting their last battles on the eve of their political suicide by secession.

On the first Monday in December, 1861, Roscoe Conkling appeared in his seat and answered to his name at the roll-call. This session has but one parallel in American history. It was a repetition of the year 1832, with this exception: President Jackson, in his message, denied the right of a State to nullify federal legislation, while Mr. Buchanan asserted that a State had no constitutional right to secede from the Union, but that the national Government had no constitutional power to prevent it.

The President's unpatriotic message led to the introduction of the Crittenden resolution concerning the peace conference. Mr. Conkling voted, December 4, 1861, in favor of a motion to appoint a committee of one from each State to confer upon "the perilous condition of the country." It was termed the Select Committee of Thirty-three.

Thomas Corwin, the chairman of the Select Committee of Thirty-three, submitted, January 14, 1861, a report upon the disturbed condition of the country. It was ordered to be printed and made the special order for January 21.



Mr. Conkling took this report as the text for a speech upon the state of the Union, and in the midst of these grave troubles he rose and made one of the most stirring addresses of the session. His remarks were widely noticed by the press, the Washington correspondents stating that it made a great sensation in the House.

His speech showed the uncompromising front which he presented to the rebellion from its beginning to its overthrow, and displayed in grand proportions his hatred of human bondage.

A short extract from this speech of January 30, 1861 (including the opening and closing paragraphs), is here printed

From the outset of this session, I have had little hope that anything could be done here or in the other end of the Capitol to arrest the revolution now prevailing in some portions of the country. I was long ago convinced that the turbulence now festered to rebellion along the Gulf of Mexico had its origin in causes which Congress could not remove, nor even diminish or retard. Yet I have never doubted that a very numerous class of persons in the slaveholding States—persons whose patriotism might safely challenge comparison with that of any other citizens of the country—were controlled in their political sentiments and action by misapprehensions as to the designs of the masses of the non-slaveholding States; misapprehensions which all good men would gladly unite in dispelling. It would be strange, indeed, if this were not so. For years past, gentlemen representing slaveholding constituencies on this floor have not hesitated to dignify with the language of solemn assertion aspersions upon the political integrity of the Northern people, the wildest, the most pre-



posterous, that have come out of the fury and licentiousness of partisan contests.

In this connection there is one remark I want to make about war—war, whether it be waged in resistance of laws or for any other purpose. In this material age, war is a very humdrum thing. The battles known to the crusaders, and sung by the Troubadours, have all been fought. War is no longer a question of personal valor or individual prowess; but a mere question of money—a question who can throw the most projectiles, who can indulge in the most iron and lead. It is no longer regulated by the laws of honor and chivalry, but entirely by the laws of trade.

But, sir, had I that bad heart, that malevolence, which is supposed to exist among the Northern people toward their brothers in the South—and which God knows I do not feel, nor do those I represent—did I desire to see secession drowned in its own blood, or wither and famish, I would crown every discontented State with instantaneous independence. There would be no more rendition of fugitives then; there would be no general Government to quell slave insurrections then; there would be no more Monroe doctrine then; no more national vows that European nationalities shall never interfere upon this continent; but hostility to slavery, death rather than expansion, would become a leading policy of all nations, whether transatlantic or adjacent. A slaveholding confederacy would cast out its shoe at its peril over one foot of land beyond its present limits capable of yielding any product that man can eat or any fabric that man can wear.

\*            \*            \*            \*            \*            \*

Confining my view to the State executives who have become actors in treason, and to the people, be they many or few, who have raised the standard of rebellion, I care not in what State, I have no compromise to offer, no terms to talk about; none, until they return to their allegiance, haul down their palmettos and pelicans, doff their cockades, and wear, as we wear, not the livery of treason, but the garb of citizenship and submission to the laws.

The people of the State of New York believe in this Government as their fathers made it. They believe in it, not as a mere commercial league, whose material advantages they can calculate, and whose value they can weigh in golden scales. To them it is

something more. They cherish it for its memories of martyrs, of heroes and of statesmen; they cherish it for its wisdom, grand with the revelations, and pregnant with the experience of buried centuries and epochs; they cherish it for the shelter it affords against the tempest which, without it, would burst upon this continent in an hour; above all, they cherish it for its promises unredeemed, its mission uncompleted, its destiny unfulfilled. In the world-trod streets of our great metropolis sixty-four languages and dialects are spoken. In this chaos of voices are breathed the prayers and muttered the curses of the exile, the refugee, the emancipated of all Governments and all climes. Of this motley group of tongues there is not one—no, not one—without an anathema to blast the man who would overthrow free institutions in this continent of ours. Among the vocabularies of them all, in which shall be found the word whereby to call so infinite a crime? It is a deed without a known name.

In the debate concerning the Additional Revenue Bill, Mr. Conkling said :

\* \* \* I am opposed to a gigantic scheme of this sort for laying with inconsiderate haste, upon the States of this Union, a direct annual tax of \$50,000,000. Such, in substance, is this bill. I am opposed to a scheme attempting to do it by imposing so enormous a burden chiefly upon the rural districts, upon agricultural property, excluding entirely from its operation the immense active and dormant capital which falls, not under the designation of real estate or land, but belongs to the personal property of the country. I protest against taxing farms, until everything else is taxed. A farmer who makes four per cent. from his farm does well. Why should he be visited with taxes which others escape?

\* \* \* \* \*

In declaring against this measure I want to be quite sure, in justice to myself and to the people I represent, that no man fastens upon me a false issue; that no one shall be able to suspect that I am unwilling or unready to vote any necessary tax, even to the uttermost. No, sir, I am ready to vote all the money

needed to throttle rebellion, to trample to death this painted lizard called secession, and to punish this great experiment of perfidy so severely that never again will its like be attempted on this continent

Mr. Conkling voted upon a very important matter February 28, 1861. It was against the proposed thirteenth amendment to the Constitution, which provided that

no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.

The border States of course demanded this amendment to the Constitution; but its passage and ratification would have had the effect of making slavery permanent in the nation, so far as any power of the general Government was concerned.

Two-thirds of the members of each House voted for the amendment. It was supported by many Republicans as a peace-offering to the South. Of the 117 Republican Representatives, but sixty-five voted nay. *Roscoe Conkling opposed the measure*, and among those who stood with him were Anson Burlingame, Owen Lovejoy, Thaddeus Stevens and Elihu B. Washburne.

Mr. Conkling could not have done otherwise than to vote against this amendment. He could obey offensive laws which rested upon a pro-slavery

Constitution until they were repealed, for that was the duty of a good citizen; but he would not consent to rivet new fetters on the slave, nor deprive the nation of its sovereign right to alter the Constitution.

As the Southern Representatives withdrew, the Republican majority increased. Important and much-debated measures were then considered in rapid succession. Roscoe Conkling voted for most of the amendments to the Morrill tariff bill. The Republicans then passed this measure, as well as bills for the admission of Kansas and the organization of other Territories. It may be stated that the Morrill Tariff Act of March 2, 1861, was the beginning of the era of protection under Republican auspices, and may be called the basis of the present (1889) tariff. This law authorized war loans, the issue of United States notes, and committed the party to the principle that the republic is a nation and not a league, and that it is supreme within its own constitutional sphere.

Early in the year 1861 a triumvirate of Republicans assumed to designate candidates for the offices which President Lincoln was about to fill in the Oneida district. To accomplish this end they went to Washington and called upon their Representative, handing him their list of candidates to endorse for appointment. Mr. Conkling

read it carefully, and, seeing that it contained undesirable names, he replied: "Gentlemen, when I need your assistance in making the appointments in our district, I shall let you know."

Keenly feeling the rebuke the visitors left. This retort was regarded by some of his friends as indiscreet, and as the seed that years afterward ripened into an unfortunate division of the Republican party. He considered himself personally responsible for the incumbents of the national offices, and he would not allow others to foist incapable appointees upon him. It is probable that, had Mr. Conkling exercised some conciliation, and taken counsel with the political friends who had helped to insure his election, all of the bitter feeling that followed might have been avoided. The consequence was that some of his political friends became his enemies. This incident is an example of how a sharp reply, however justifiable, may lead to disagreeable results. The world can best judge whether Mr. Conkling acted from a high sense of honor in the selection of public officers in the twenty-first Congressional district, and whether, on the occasion mentioned, his political allies really misunderstood his motives. In either case the effect was practically the same, and the Republican party suffered in consequence.

1860-1861.

## CHAPTER VIII.

### THE BUDGE MURDER TRIAL.

IN order to show how versatile a man Mr. Conkling was, and how his active intellect could grasp a case entirely different from anything he had tried before, as well as the great absorbing and assimilating power of his mind, we shall now proceed to give a brief history of the first of a series of his important legal causes.

This case was the trial of the Rev. Henry Budge for murder, wherein Mr. Conkling became a *quasi* physician and saved his client's neck.

Mr. Budge appears to have been a hard-working traveling clergyman, who occasionally labored as a farm hand for his neighbors so as to eke out his scanty salary of \$600, taking quietly the reproaches of his wife for doing such humble work.

In the month of December, 1859, Mrs. Budge had been sleeping alone for a week in what was called the parlor bedroom, while her husband slept with one of his boys in another room.

On Sunday morning, December 11, 1859, their



little daughter Priscilla went to carry a cup of tea to her mother, and found her lying upon her bed with her throat cut. She immediately ran screaming to her father, who sent for the neighbors, while he strove to comfort his weeping children. The nearest coroner was sent for, and an inquest was held, which resulted in a verdict of suicide.

This would most probably have been the end of the whole affair had not gossip grown into scandal and scandal into slander.

When Mr. Budge accepted the call to the church at Port Leyden, the congregation was, unfortunately, divided on some question concerning the title to the church, and his call, coming of course from the larger party, made the smaller one his bitter enemies without any fault on his part. This feeling was increased in the case of some of them by his resistance to an attempt on their part to deduct from his small salary the results of a donation party, he contending, very properly, that it was ridiculously inconsistent to call a donation a payment.

With that curious perverseness that sometimes shows itself in human nature, the more he put himself in the right the more they hated him, and the more bitter they became against him, so that after they had begun by saying that perhaps his wife did not commit suicide, they went on to



whisper that he might perhaps have desired to get rid of her; and, as the Upas growth of evil spread itself among them, they declared openly that he was guilty. They also caused to be printed in Albany a pamphlet and a long poem in wretched doggerel accusing him publicly of immorality as well as crime.

The quiet pastor was at length aroused and found friends who were willing to aid him in refuting these calumnies. He commenced an action for libel against Caleb Lyon, one of his assailants and the reputed author of the doggerel poem, while his elder brother, L. R. Lyon, a wealthy land-owner, was a staunch supporter of the clergyman.

This action aroused his enemies to fury. They succeeded in having another coroner's inquest held, by the same coroner, four months after the first. They had the body exhumed and an elaborate examination made by a Doctor John Swinburne, to whom they had communicated their view of the case, and who seems to have foolishly attempted to bend the facts to suit their fancies. The animus of the coroner, who was one of Mr. Budge's enemies in the church, was sufficiently shown by the fact that on the evening of April 27, 1860, while the second inquest was going on, when Mr. Budge's counsel at eleven P. M.

requested an adjournment, it was refused ; and when, later on, at one o'clock in the morning, Mr. Budge stated that he was sick and begged to be allowed to go to bed, the coroner refused, saying that he must remain, because without him the inquest could not go on, and thus forced him to remain until nearly four o'clock that morning.

This second coroner's jury found that Mr. Budge was guilty of murder, and he was held for trial.

It was at this point that Mr. Conkling came into the case, and a most difficult and complicated case it was.

The enemies of his client were so bitter and so aggressive that they had forced their quarrel into the school board as well as into politics. A circular is in existence declaring that every one who voted for a certain school commissioner must be pointed at as upholding the murderer Budge ; and also that all good Democrats should do all they could to insure his conviction. In consequence of this a change of venue was secured from Lewis County to Oneida County. A jury was there impanelled without much difficulty and the trial began at Rome in August, 1861.

The theory of the prosecution was that Mrs. Budge had been suffocated or strangled by her husband and her throat then cut by him, and Dr.

Swinburne was their main dependence to prove the truth of this.

It was certainly a bold thing for a lawyer to undertake to fight a physician of fair standing upon his own ground, but Mr. Conkling was convinced of the innocence of his client, and he was not convinced of the correctness of the inferences drawn by Dr. Swinburne in his testimony on the coroner's inquest. The more powerful and embittered his client's enemies appeared, the more intense became his determination to rout them all.

From the moment that he took charge of the case he commenced a profound study of the lungs, so as to meet the charge of suffocation. He obtained the very efficient aid of Dr. Alonzo Clark, of New York, who made another examination of the body of Mrs. Budge, from which the right lung and other portions had been removed by Dr. Swinburne, and carried by him to his home, as he said, for closer examination.

Mr. Conkling had a marvelous power of rapidly absorbing knowledge, and he studied up this case with an intense earnestness that enabled him to badger and to baffle Dr. Swinburne, who must have felt rather dubious about some of the statements to which he had committed himself.

So very much in earnest was Mr. Conkling that he procured a body for dissection and had dis-

sected under his eye the parts of the body that he wished to study.

He began the defence by appealing, first of all, to common sense, which must have had great influence on the jury. He showed that in a small bedroom, seven feet by nine, on the morning of Sunday, December 11, 1859, Mrs. Budge was found lying on her back on the bed, with her throat cut from ear to ear. This bed was four feet, four inches wide, and of the usual length. It stood in one corner of the room, with the head close up against one wall, and the right side close up against another, so that the only access to it was by the foot and the left side.

The head was slightly turned toward the right. The bed-clothes were pulled up smoothly to the upper part of the chest. The arms were on the outside of the bed-clothes. The left arm was bent so that the hand rested on the breast. The right arm was extended at the right side, and under it was lying a half-open razor, between the elbow and the wrist, but more toward the wrist. The face was calm like that of one sleeping. There was some slight spattering of blood on the two pillows ; and two slight marks, as if of bloody fingers, were on the face near the nose and on the right pillow.

Mr. Conkling called attention to the fact that

this state of affairs was utterly inconsistent with the theory of the prosecution. He quoted from the medical books to show that in all cases of attempted suffocation or strangulation there is immediately instinctive and violent resistance. He proved also, by the same authorities, that a very weak woman in such cases is capable of great resistance even against a strong man. Mr. Budge was a slightly built man, weighing certainly not above thirty pounds more than his wife, and she could easily have resisted him. Here, however, there was not the slightest appearance of any struggle. Her placid countenance showed that she had died suddenly, and that it was a painless death.

The next argument of the prosecution was about the wound. This was five inches in its curved length and three inches in a straight line. It began under the left ear, cutting down directly to the back-bone, and coming out under the right ear, with a more sloping cut at a point about half an inch lower, as to level, than where it entered.

The prosecution contended that no suicide could make so deep a cut. This was soon refuted by the medical authorities, which showed that a person strong enough to raise twenty-five pounds could easily make such a cut. They also contended that anyone lying on his back could not

make such a cut, because his elbow would come against the bed so as to prevent it.

Mr. Conkling called the attention of the jury to the fact that any one of them could, by placing himself on his back upon a bed, take a tooth-brush, or even his thumb, and prove immediately the possibility of such an act.

Dr. Swinburne's strongest point was that the condition of the lungs in the *post-mortem* examination gave conclusive proof of suffocation. Here most probably he felt himself secure, not thinking that any mere lawyer would venture to trespass on his own professional ground and try conclusions with him in his own specialty. He little knew the man he had to deal with.

Mr. Conkling, upon cross-examination, tested with him his chain of evidence, showing that many of its links were all unsound, and that its holding power was imaginary. He proved by medical experts that the left lung, which had not been taken away, was not congested. He then called the attention of the court and jury to the previous testimony of Dr. Swinburne before the coroner, in which he had stated that in all cases of suffocation both lungs were congested. He showed, also, by medical testimony, that the blood and serum found in the pleural cavities behind the lungs, instead of being evidence of suffocation, were simply the re-



sult of *post-mortem* drainage through the tissues. The carelessness (to put it mildly) of Dr. Swinburne was shown when he stated that the average specific gravity of a healthy lung was 700. This he was afterward obliged to change to 418. In one place he says that the absence of bruises is untrue, yet in another place he says that the skin, when examined by him the second time (four months after death), was so mildewed that all traces of bruises or abrasions were necessarily obscured. He also testified that the trapezius muscle was cut. Mr. Conkling proved that the razor did not come within half an inch of it.

He testified that blood moves in the arteries at the rate of one foot per second. Mr. Conkling proved that the surface of a cross-section of the aorta was equal to one square inch; that one and a half ounces of blood were given out at each pulsation; that there were seventy-two pulsations (average) in a minute, giving one and one-fifth for each second; that one and a half ounces of blood took up the space of two and a half cubic inches. One pulsation and one-fifth would therefore give  $(\frac{3}{2} + \frac{1}{5} \text{ of } \frac{3}{2} = \frac{3}{2} + \frac{3}{10} = 1\frac{8}{10})$   $1\frac{8}{10}$  ounces of blood, and, as one and a half ounces of blood equal two and a half cubic inches,  $1\frac{8}{10}$  ounces would occupy a space of three inches for one pulsation, so that in place of the blood advancing at the rate of



twelve inches per second, Mr. Conkling proved mathematically to the court and jury that it advanced only three inches per second. This little investigation may serve to show with what painstaking minuteness Mr. Conkling had studied this case.

In this way the testimony of Dr. Swinburne, who was the main-stay of the prosecution, was so thoroughly riddled and torn to pieces, that Judge Allen, though a personal friend of Henry A. Foster, the special counsel to the District-Attorney, felt compelled, at the close of the testimony on the part of the prosecution, to declare the evidence so entirely insufficient that it was not worth while for the jury to retire. When they were polled, each declared the accused not guilty on all the counts in the indictment, and Mr. Conkling had the great gratification of feeling that his unremitting study of medicine, as well as his experience and ability as a lawyer, had saved an innocent man from the hands of such desperately embittered foes.

The libel trial then came on in Herkimer County and lasted for three weeks. The defence pleaded justification, so that, to a great extent, the same ground was gone over. Caleb Lyon, who was the author of the wretched doggerel poem that has been spoken of, and who had scattered broadcast through Herkimer County a libellous pamphlet,

was found guilty, but, as he had previously been very popular in that county, the jury brought in a verdict for damages to the amount of only \$200. The plaintiff's character was, however, fully vindicated, and his persecutors completely checked.

On the murder trial Henry A. Foster, one of the prosecutors, had shown so much fierce animosity against the accused that Mr. Conkling, who could hit hard when he chose, compared him to "a bull-dog snuffing for blood around a slaughter-house." Mr. Foster is said to have taken intense offence at this, and never forgave Mr. Conkling until some years after, when he procured Mr. Foster's nomination as one of the judges of the Supreme Court.

It is said that several years after these trials took place, when Mr. Conkling visited Lewis County, there still appeared to be a feeling on the part of some persons against him for having saved Mr. Budge.

Dr. Alonzo Clark aided Mr. Conkling very materially, and sat up one entire night just before trial-day with him, answering his questions, and giving him necessary information, which he absorbed with such avidity and rapidity that Dr. Clark said afterward to a friend: "Mr. Conkling learned in a few days what it took me thirty years to find out."

At a stated meeting of the New York Academy

of Medicine, held December 18, 1861, Dr. Clark read a very careful analysis of this celebrated case, from a medical point of view. This was afterward published, making an octavo pamphlet of twenty-six closely printed pages, which is still quite interesting to many persons.

Mr. Conkling had previously been, for a layman, unusually well read in anatomy. This stood him in good stead when these trials came on, and their effect was to give him such a taste for medical science as to make him, as his friends said, "half a doctor."

After his successful defence of the Rev. Henry Budge, Roscoe Conkling was retained in nearly every important criminal case until the summer of 1867. Being then a Senator of the United States, he began to draw the line against appearing for clients who had been indicted.

During the next six years he defended several persons, who were charged with arson and murder. He also defended a soldier for alleged desertion, on a writ of *habeas corpus*, and prosecuted the Acting Provost-Marshal General of the Western Division of New York for fraud and bribery. These cases will be described in the proper place. They were, perhaps, the greatest triumphs of Mr. Conkling's legal life prior to his resignation from the Senate in 1881.

1861-1862.

## CHAPTER IX.

THE THIRTY-SEVENTH CONGRESS—A CONKLING REGIMENT—SPEECH ON THE BATTLE OF BALL'S BLUFF—GENERAL STONE—COLONEL BAKER—GENERAL McCLELLAN.

IT is well known that the first shot of the War of the Rebellion was fired upon Fort Sumter, April 12, 1861.

The President recognized promptly the condition of civil war, and July 4, 1861, called the Thirty-seventh Congress into extra session. The object was to equip an army for the emergency. Happily there was in both Houses a strong Republican majority, and many of the Democratic members favored the preservation of the Union. Henceforth the effective war measures, which were demanded, passed without tedious debate, although the peace Democrats injected terms of negotiation and compromise into all the bills and resolutions.

The delegation from New York included Frederick A. and Roscoe Conkling, both of whom on the opening day answered to their names. On

the election of a Speaker of the House of Representatives, Roscoe Conkling voted first for Francis P. Blair, of Missouri, who, on the first ballot, received forty against seventy-one for Galusha A. Grow, of Pennsylvania. He then, in company with twenty-seven others, changed his vote from Mr. Blair to Mr. Grow, who, having received a majority (ninety votes), was duly elected Speaker.

The standing committees were announced July 6. Roscoe Conkling, who, as we have stated, had been a member of the Committee on the District of Columbia in the previous Congress, was promoted to the chairmanship, while his brother was appointed upon the Committee on Naval Affairs. In the House were numerous vacant seats, but many members had served in the Thirty-sixth Congress. Among them were Thaddeus Stevens, Elihu B. Washburne, Alexander H. Rice, Samuel S. Cox, Owen Lovejoy, John F. Potter, William S. Holman, Justin S. Morrill, Reuben E. Fenton and Henry L. Dawes.

Roscoe Conkling took an active part in the work of this extra session, not only as chairman of the Committee on the District of Columbia, which was now a very important one, but also as chairman of a special committee to draft a bankrupt law.

One of his first acts was to vote in favor of a

resolution to expel John B. Clark, of Missouri, for having taken up arms against the Government of the United States. Soon afterward he introduced a bill "to establish an auxiliary watch for the protection of public and private property in the city of Washington, and for other purposes." It was twice read, referred to the Committee on the District of Columbia, and on the next legislative day the measure was called up and passed without a division.

In his remarks upon this original bill, Mr. Conkling, replying to a question from a member, said that he was not aware that any similar measure had ever before been introduced.

He offered a resolution, July 17, that a select committee of five members be appointed to report at the next session upon the subject of a general bankrupt law. It was agreed to without debate, and Mr. Conkling became the chairman.

Roscoe Conkling had carefully studied the subject of bankruptcy ; and he sent to England for the *Report of Her Majesty's Commissioners Appointed to Enquire into the Fees, Funds and Establishments of the Court of Bankruptcy; and the Operations of the Bankrupt Law Consolidation Act*, 1849.

Mr. Conkling voted, July 17, against a resolution to allow the Special Committee on Govern-



ment Contracts to sit during the recess of Congress and to incur extraordinary expenses. He spoke at length upon this subject at the second session of the same Congress [April 29, 1862], and extracts from his speech will be given on a subsequent page. Here, as well as on many other occasions, his hand was raised against every one who appeared in the rôle of a jobber.

On the same day Frederick A. Conkling took an active part in the debate upon the item of sugar in the Tariff bill. Later on Roscoe Conkling opposed various provisions in the Additional Revenue bill.

The regular session of this Congress began the second of December, 1861. Having been organized at the extra session of July by the election of Galusha A. Grow as Speaker, the House at once proceeded to business. On the fifth instant the vacancies in the standing committees were filled.

We have seen that Roscoe Conkling was the chairman of one standing and one select committee.

In speaking of the Thirty-seventh Congress, Ben. Perley Poore, in his *Reminiscences* says :

“Roscoe Conkling, who had just entered upon the theatre of his future fame, commanded attention by his superb choice of words in debate, and by his wonderful felicity of expression and epigrammatic style.”



The House unanimously adopted, December 3, a resolution offered by Roscoe Conkling, requesting "the Secretary of War, if not incompatible with the public interest, to report to this House whether any, and if any, what measures have been taken to ascertain who is responsible for the disastrous movement of our troops at Ball's Bluff."

The following letter to the colonel of the Ninety-seventh New York Volunteers explains itself :

WASHINGTON, Christmas Day, 1861.

*My Dear Colonel :* The regiment you command has, I am informed, done me the honor to assume my name. A compliment so unexpected, bestowed upon me in my absence, and by so large a body of my fellow-citizens from different sections of the State, awakens, I need hardly say, lively and enduring emotions.

Grateful as I am for unnumbered and undeserved marks of confidence and kindness showered upon me by the generous people of Oneida County, among them all there is scarcely one that I shall cherish longer than this token of approbation at once so spontaneous and expressive.

A thousand men, who as winter approaches leave their homes for the camp, to defend on distant battle-fields the life and honor of their country, are inspired and consecrated by heroic purposes and unfaltering faith. Earnestness and sincerity abide with them, and they mean in seriousness all they say. When they inscribe a name upon their colors, they mean not a mere token of courtesy or friendship, nor simply to make the name less humble than it was before; but they adopt it because they consider it associated with some idea. In this case that idea is a vigorous and unconditional prosecution of the war till the Union is restored and the Government acknowledged on the Gulf of Mexico as much as on the river St. Lawrence. It is the idea that whoever and whatever stands in the way of national success must go down before the advancing columns of the Union.

The colors you carry will never be disgraced; they will be borne forward by men many of whom I have long known and respected as neighbors and friends, and though the regiment, however called, would have been an object of interest and pride with me, I shall now watch its career with double solicitude, its advancement with double pleasure.

Do me the favor to present my warm acknowledgments to the regiment and reserve them to yourself.

I remain your friend,

ROSCOE CONKLING.

Col. CHAS. WHEELLOCK, Boonville, N. Y.

Roscoe Conkling's next conspicuous appearance before the House is a chapter in the history of the war. It was unexpected and electric in its effect. The bloody blunder at Ball's Bluff had disgraced our arms and carried mourning into many of the best families in the country. As already stated, a resolution of the House had inquired of the Secretary of War if measures had been taken to ascertain who was responsible for the disaster. He returned answer that the General in Chief of the army was of the opinion that inquiry into the matter "would at this time be injurious to the public service." Roscoe Conkling determined to fasten responsibility for the error on the author, and to establish at once the supremacy of the House, the representatives of the people, over the military agents who were conducting the people's war. Under a question of privilege, he rose in his place January 6, 1862, and presented the evasion by the

Secretary of War of the resolution of inquiry, as a breach of the privileges of the House. Before he sat down he had told, with marvelous power and pathos, the story of the shameful and murderous blunder. The House was electrified by the speech, and moved to passionate resentment. The commanders in the armies took instant notice, from the speech and the proceedings, that the day of responsibility at last had come.

Roscoe Conkling said:

On the second day of the present session a resolution was adopted by the House in relation to the battle at Ball's Bluff. The resolution proposed no investigation whatever. It simply requested the Secretary of War to inform the House whether any, and if any, what, measures had been taken to ascertain who was responsible for a disastrous battle. It did not demand the name of the person, nor even ask whether there was any such person.

[The resolution and answer are found at the end of the speech.—A. R. C.]

\* \* \* \* \*

I was about to say that if the resolution had called upon the War Department to disclose the name of the person culpable, and an answer had come here, that it would not be compatible with the public interest to disclose the name, the answer might have been preposterous, but still it would have been an answer in form, and responsive. But here comes a communication professing to be an answer, which neither answers the interrogatory, nor informs us that in the opinion of any person it would be injurious to the public service to answer it. The reply does not, indeed, refer at all, or relate at all, to the point of the inquiry. To a question whether a particular thing has been done, the Adjutant-

General reports that, in the opinion of the General-in-Chief, it would be injurious to do some other thing.

\*       \*       \*       \*       \*       \*       \*

But this is no ordinary matter. The resolution relates to a great national concern ; it relates to an event which I believe to be the most atrocious military murder ever committed in our history as a people. \* \* \* It relates to something more: it relates to a blunder so gross that all men can see it, and no man has ever dared deny or defend it—a blunder which, besides position, besides defeat, besides arms and munitions of war, cost us confessedly nine hundred and thirty men, many of them the very pride and flower of the States from which they came.

\*       \*       \*       \*       \*       \*       \*

Now, sir, if there is any objection to this, if there is any objection to our knowing whether the twenty-first of October has been passed over as a mere ripple in the current of events, then, in the name of my people, I demand that those whose business it is to answer should stand up and stand out and say so. \* \* \*

\* \* \* We have a committee appointed to investigate the conduct of the war, and if it is known, and known at this time, that the disaster at Ball's Bluff is likely to be embraced in their inquiry, facts and witnesses will be presented to the committee.

The House is no doubt aware that the battle of Ball's Bluff, like many other things, has been made the subject of an issue between the regular army and the volunteers. Brigadier-General Stone, who was at the time commanding the division from which the detachment came, which fought the battle, or attempted to fight it, is an officer of the regular army, and Colonel Baker, to whom, after a time, the command, or a part of the command, was assigned, was a volunteer. The friends of these two officers have indulged in much angry controversy as to which should bear the blame; and on the one side the cause has been espoused as if its appropriate office was to fasten some stigma on the volunteer service, and to determine certain questions of precedence and merit between West Point and the volunteers for the Union. A writer in the *New York Times* stated, some time ago, that the friends of Colonel Baker would move an investigation, but that they had better not, for if they did the friends of General Stone would re-

taliate, and make it recoil upon Baker and damage his memory. Mr. Speaker, I have no sympathy with this controversy to indulge in here. I have no patience with it as an obstacle to investigation; I have no toleration for it as far as it has been used to trade upon the affections and to hush and scare off, with the friends of either party, discussion and inquiry. The effect on either of these officers, or on both of them, of disclosing the truth, ought not in my judgment to weigh one feather against an investigation being had. Hit whom it may, I believe the truth should be known. Suppose its revelation shall shorten the plume of a dead Senator—what then? Is that a reason, in a great public concern like this, why we should hush investigation, or falsify the truth of history? Suppose, on the other hand, it turns out that a brigadier-general, bred at West Point, an officer of the regular army, holding the acting position of a major-general, commanding a division containing thousands of our countrymen, charged with their safety, their honor and their lives—suppose, I say, it turns out that such a brigadier-general is a martinet and not a soldier; suppose he turns out to be half-way, either in his soldiership or his loyalty, is that a reason why investigation should be muzzled or throttled out of regard to his feelings or the feelings of his caste? Shall we proclaim indulgence for ignorance and incompetency, immunity for barbarous negligence, silence for military crimes, even though a revelation of the truth would soil the glittering plumage of the highest officer in the armies of the republic? No, sir: whoever is responsible for that fatal field, if he yet lives, ought to be nightly on his knees imploring forgiveness for the mighty murder he there committed. If Baker did it, “’twas a grievous fault, and grievously hath Baker answered it.” If Stone did it, he bears a weight of guilt greater, far greater, than many a man has atoned for with his life, who suffered under the judgment of military tribunals, whose moderation and impartiality have never been denied. What is the personal fate or the personal fame of a dozen generals when compared with the preservation, the security, the maintenance, of that great army now standing in the field?

\*            \*            \*            \*            \*            \*

I have no doubt, sir, that results of this sort sometimes occur

when human foresight cannot prevent them; but when they occur from gross negligence or ignorance, and we all know it, I say it behooves us to investigate them, and hold them up, in order that we may see round and round, who is responsible for them. If we cannot have indemnity for the past, in the name of humanity let us have security for the future! If we are to preserve the military principle at all, let us preserve the whole of it. If not, introduce into the army the democratic principle, and when an order is given, put it to a vote whether it shall be obeyed or not; but if orders are to be implicitly obeyed, let us have responsibility, rigid responsibility, on the part of those who give them.

Now, sir, let me look a few moments at the battle of Ball's Bluff, in order to see whether those who managed it exercised that care and caution which the law exacts of the pilot of a ship, of the engineer who runs a railroad train, of the captain of a steamboat carrying passengers; or whether it was managed with an absence of care and skill, with a reckless disregard of ordinary prudence.

Thus Mr. Conkling described the battle:

On the twenty-first of October, Leesburg, in the State of Virginia, was occupied by insurgents. The force with which they held it amounted to not less than five or six thousand men. At the same time Poolesville, in the State of Maryland, was occupied by Union forces and was the headquarters of a brigadier-general. Between these two positions, thus occupied, there rolled a swift and swollen river, with an island in the channel, nearest the Maryland side, three miles in length and two hundred yards across. On the same side of the river with Leesburg, and within a day's march of that place, lay General McCall, commanding a division containing fifteen regiments, which marched fully eleven thousand men. If Leesburg were to be attacked, or if a reconnoissance in force were to be made in that direction, one of the first wonders in this case is that the work should have been assigned to General Stone's division, divided as it was from the scene of action by a great river—indeed, by two great rivers—when the division of General McCall was within a day's march of the spot, with neither river, mountain nor barrier to be traversed. Those who, stimulated



by the curiosity not unnatural at a time like this, have refreshed their military history, or dipped into military books, or picked up the current smattering of military knowledge, have not failed to observe that a river unbridged and unfordable is regarded as one of the most formidable and perilous obstacles to military advance. Of all the barriers not absolutely impassable, nothing—if ordinary sources of information are to be relied upon—is to be so much dreaded by an attacking army, so much to be shunned at any cost, as a deep, rapid stream, without wharves or bridges, and this even when means of floating transportation are abundant and prepared. Common sense has so much to do with this that any man who has ever seen artillery move, may without presumption assume to know and comprehend it.

Another fact which a civilian may be allowed to state is that an army or detachment attempting to cross a stream of this sort, in the face of an enemy, should be provided not only with means of transportation sufficient to throw it over to the attack, but to bring it off, and bring it off expeditiously and securely in case of a defeat. A pontoon train, if an intrenched bridge cannot be had, a flotilla of bateaux, boats, rafts, something, is the very least, if we may rely on ordinary authorities, which will suffice to meet the requirements of common prudence. But in this case two rivers seem not to have been considered of much account in hindering the advance of an army; they were held of importance so slight that a division lying on the fighting side of the river was not brought into requisition at all, not even to protect the crossing and the landing, nor to cover a retreat; but the whole work was assigned to the trans-Potomac division of General Stone.

The movement was not an unexpected or impulsive one. On the contrary, crossing the river thereabouts, and crossing at or about that time, had occupied for days the attention of officers and men. The landing-place had been selected before the battle day, for on the day before several hundreds of the Massachusetts Fifteenth and Twentieth had been thrown over to the island, and from the island to the bluff. The crossing-place was one of the most remarkable—confessedly one of the most dangerous—that could have been possibly selected. The landing-place was a bank of clay ten or fifteen feet high, abrupt, almost perpendicu-

lar, surmounted by a rugged bluff one hundred or one hundred and fifty feet in height.

The region around about was what lumbermen would call a "wooden country." Timber grew in great abundance in every direction. Within twelve miles of the crossing-place was a saw-mill. \* \* \* Round about this mill, on the railroad, and piled on the canal, was an abundance of timber, round, square and sawed. What could have been done with it, we all know, and we all know how quickly it would have been done. We know what could have been done if nobody but Massachusetts had been there. Not to know that would be to forget that when General Butler called upon the workingmen of a Massachusetts regiment to step forward, the whole regiment advanced, and that in the regiment were found a plenty of men who could sail the *Ironsides*, and build and run a locomotive engine. Boats and rafts enough to float thousands could have been put afloat in a few hours, and a bridge would not, I am informed, have been the work of more than a day and a night.

\*                      \*                      \*                      \*                      \*                      \*

Two weeks before this, however, an order had been given to construct five flatboats and two skiffs—to construct them at Edwards's Ferry, a point in the river some four miles below. Three of those boats were brought up from Edwards's Ferry to this fatal crossing-place. Two of them were used in the channel between the Maryland shore and Harrison's Island, and one of them was used between the island and the bluff. And in this latter channel was also a single row-boat. These four boats, two in either channel, constituted the whole means of transportation upon which the expedition was based.

\*                      \*                      \*                      \*                      \*                      \*

These boats were of sufficient capacity to carry about half a company, some thirty-five men each, and the average time occupied in crossing from Maryland to the island was about three-quarters of an hour, leaving the island and the remaining channel still to be traversed. The House will get some idea of the rapidity with which this transportation could be carried on, from the operations of the night before the day of which I am speaking. Before Colonel Baker is understood to have had command of the

expedition, Colonel Devens was ordered to cross four companies of the Massachusetts Fifteenth. He did cross them. He commenced at two o'clock in the morning, and it was sunrise before he was ready to take up the line of march, showing that more than an hour was necessary for the purpose of throwing one company from the Maryland shore to Ball's Bluff.

Colonel Baker's orders came to him about two o'clock in the morning and found him sleeping in his tent. He commenced his crossing at sunrise. Without any wharf to lie to, without any hawser or rope to stretch across the river, the embarkation and transportation of troops, cannon and munitions of war was of course a slow and tantalizing process. Eleven o'clock had come when only a commencement had been made. At this time a boat was found in the canal and measures were taken to transfer it to the river. Whether this was observed on the other side is only matter of speculation; but the time had come when it was too late to mend the matter or correct mistakes, for the rebel fire had opened upon the slender detachment which had crossed. From that time the boats began to pole back with the bleeding and the slain. The house on Harrison's Island had already become a hospital, and every room in it was occupied by wounded and dying men.

But still the crossing went on. Seventy-five hundred men, according to General Stone, were detailed for the expedition; but not more than seventeen or eighteen hundred men ever saw the field or crossed the river. Those who did cross crawled up the muddy, slippery bank of clay, and from there, by a winding path, they climbed to the summit of the bluff which lay beyond. The guns were dismounted, and dragged and lifted up with great difficulty and delay. All this hard and perilous ascent led to no field of fair fighting, but only to a trap, an ambush, a slaughter-pen, a Golgotha. The bluff was a mile in length up and down the river and the landing and ascent were made in the middle of it. Behind this point was a six-acre lot skirted by woods on three sides. Into this burial-ground, one by one, as the boat brought them over, went up the devoted seventeen hundred. Their steps, like tracks to the lion's den, all pointed in one direction, from which there was never to be a return. Behind them

rolled a river deep, which could never be repassed. Before them, and surrounding them on every side, was a tree-sheltered and skulking foe of three or four times their number. Their movements had been watched from the start; the rebels had prepared for them a feast of death, and had calculated the number of guests who should partake of it. When that number had been poled and drifted over, the dreadful revelry commenced. It was the refinement of cruelty, and dealt exactly with its victims. They had been sent over too few to remain, and too many to return—a larger number might have held the position, and dispensed with means of retreat; a smaller number might have escaped by the boats; but the seventeen hundred had only to stand fast and perish.

Nobly did they fulfill their destiny. Desperate stubbornness and heroic courage served only to gild with tints of glory the bloody picture of their fate.

In an hour, in less than an hour, the field was a hell of fire, raging from every side. The battle was lost before it had begun. It was from the outset a mere sacrifice, without a promise of success or a hope of escape.

\* \* \* \* \*

We all know the result. Those who did not die upon the field were forced down the steep bank behind them to the brink of the river. Here, to save their arms from the enemy, they threw them into the stream, and many sought, and more found, a watery grave. The last act of this terrible tragedy of blunders, if not the saddest, was the most sickening and appalling of them all. The flatboat, which by poling and drifting had been made to ply between the island and the bluff, was now laden with the mangled, the weary, and the dying—too heavily laden, and the quick and dead, in one struggling mass, went down together in that doleful river and never rose again. Leesburg was illuminated that night, illuminated by parricides and rebels, and bloody treason added another laurel to Big Bethel, Bull Run, the blockade of the Potomac and the tame surrender of arms in the navy-yards and arsenals.

Such, Mr. Speaker, was the battle of Ball's Bluff. Such it stands to-day upon the page of history. The chief mourners for that battle—those who suffered most severely in it—are the

States of New York, Massachusetts and Pennsylvania. To those States it was the battle of Cannæ, for the very pride and flower of their young men were among its victims. No wonder that the army and the country burn with indignation at

“ The deep damnation of their taking off.”

\* \* \* \* \*

Let mismanagement and drowsiness tremble and wake up. Ball's Bluff cries aloud for scrutiny, and I hope the war committee will think so, and probe it thoroughly, unrestrained by any statement that the public interest does not require it, come from what quarter it may. \* \* \* At all events, we shall be safe in exposing and branding the author or authors of a monstrous mistake, which has already been told in Gath and published in the streets of Askelon.

\* \* \* \* \*

We have had long chapters of accidents for which no one is blamed, though some one is to blame. Battles and positions given away, and no court-martial, no court of inquiry, no one shot, no one disgraced—nothing but promotions growing out of inglorious occurrences. My particular object to-day is to learn whether the military authorities have in any manner looked into the proceedings of the twenty-first of October on the upper Potomac, and in order to obtain that information I offer the following resolution:

The Clerk read the resolution and answer, as follows:

Whereas, on the second day of the session, this House adopted a resolution, of which the following is a copy:

“ *Resolved*, That the Secretary of War be requested, if not incompatible with the public interest, to report to this House whether any, and if any, what, measures have been taken to ascertain who is responsible for the disastrous movement of our troops at Ball's Bluff;”

And whereas on the sixteenth of December the Secretary of War returned an answer, whereof the following is a copy:



WAR DEPARTMENT, December 12, 1861.

*Sir* : I have the honor to acknowledge the receipt of a resolution of the House of Representatives calling for certain information with regard to the disastrous movement of our troops at Ball's Bluff, and to transmit to you a report of the Adjutant-General of the United States Army, from which you will perceive that a compliance with the resolution, at this time would, in the opinion of the General-in-Chief, be injurious to the public service.

Very respectfully,

SIMON CAMERON, *Secretary of War.*Hon. G. A. GROW, *Speaker of the House of Representatives.*

We omit the report.

Therefore,

*Resolved*, That the said answer is not responsive, nor satisfactory to the House, and that the Secretary be directed to return a further answer.

The resolution was further debated at length by Messrs. RICHARDSON, EDWARDS, CRITTENDEN, ROSCOE CONKLING, VALLANDIGHAM, LOVEJOY, WICKLIFFE, DUNN and STEVENS.

Motions to amend and lay on the table were lost and the resolution passed without amendment by the following vote : Yeas, seventy-nine ; Nays, fifty-four.

This speech was said at the time to have been a "pivot" in the oratorical life of Roscoe Conkling. His eulogists state that it gave him a national reputation as an orator and thereafter he never lacked an audience. It was widely commented upon in the public press, and it was said that the description of the battle was wonderfully accu-



rate, seeing that it came from one who had not been an eye-witness.

Concerning Mr. Conkling's severe criticism of the conduct of General Stone, the latter applied to the aide-de-camp of General McClellan (as likely to be familiar with the wishes of his superior), to learn if he should demand a court of inquiry. A negative reply was promptly given. He then asked if he should prepare a statement correcting the supposed mistakes in the speech of Roscoe Conkling. The answer came, "Write nothing ; say nothing ; keep quiet."

In *McClellan's Own Story* the General, on page 190, says, after giving two pages of the true story of the affair of Ball's Bluff :

"I have gone thus much into detail, because at the time I was much criticised and blamed for this unfortunate affair, while I was in no sense responsible for it."

This is probably a reference to Mr. Conkling's Congressional speech.

In opposition to a scheme appropriating \$37,000 to send a commission to the London Exposition, Roscoe Conkling said :

\* \* \* Now, sir, for one I am opposed to the original bill . . . We have a world's fair now in session on this continent. We are all on exhibition before the world, and we are within the sight and within the hearing of and undergoing the examination of all Christendom. There is a competition going on here, a grapple for the mastery of fine arts and in the arts

that are not so fine. . . . I believe, sir, that there is a theatre here abundant for the display of every species of national proficiency at this time, affording an opportunity to record, high up as any man desires to see it recorded in the temple of fame, and on the page of history, America's capacity. \* \* \*

He introduced, February 13, a resolution to print 5,000 extra copies of the House bill "to establish a uniform system of bankruptcy throughout the United States."

This was the bill prepared by the Select Committee of which he was chairman, and which was appointed at the extra session of this Congress. Much to his regret the bill did not become a law.

It may be added that no bankrupt law was enacted until the second session of the Thirty-ninth Congress, when Mr. Conkling urged the adoption of it.

1862.

## CHAPTER X.

### THE LEGAL-TENDER ACT.

ROSCOE CONKLING'S opposition to the legal-tender act of 1862 is a notable incident in his career. His connection with the bill may properly be narrated here. When the War of the Rebellion began, he soon discovered that its successful ending must needs prove a matter of finance. He knew that the Government must emit bills of credit, but the question was, How should the issue of paper money be made?

There was then no national bank currency, nor was there either gold or silver available in the federal Treasury to carry on the war for the Union. Hence the wherewithal to prosecute the war had to be obtained upon the *credit* of the Government or by taxation. The most convenient form of credit which the authorities of the United States could use in crushing the Rebellion was a fundable legal-tender currency. It was a loan to the Government without interest, as well as a national currency, which was greatly needed for small dis-

bursements during the urgent necessities of the civil war.

On the thirtieth day of December, 1861, Elbridge G. Spaulding, who had been State Treasurer of New York, introduced a bill "To authorize the issue of Treasury notes payable on demand." It was twice read, referred to the Committee of Ways and Means, and ordered to be printed. It was known as House Bill No. 182. A long debate followed, in which Roscoe Conkling engaged.

On January 7, 1862, the Spaulding bill, with amendments, was reported to the House. The original bill authorized the Secretary of the Treasury to issue "for temporary purposes . . . fifty million dollars of Treasury notes." As amended, the amount was raised to "one hundred million dollars of Treasury notes not bearing interest." Roscoe Conkling opposed the measure and on February 4 made a long speech upon it.

He was always a "hard money" man; and in his course upon the legal-tender bill he, together with his brother, Frederick A. Conkling, ignoring party lines, endeavored to defeat the measure. This speech was so important that a full report of it seems desirable in this memoir.

\* \* \* The credit of a Government, like the credit of an individual, consists of the ability and integrity to pay all debts and perform all promises with scrupulous exactness and punctu-

ality. This ability and integrity, this untarnished public faith and unquestioned pecuniary solvency, is that without which no Government can long survive. Public credit alone cannot confer national immortality or national longevity ; but the loss of public credit will be inevitably and swiftly followed by national decrepitude and national death. This is true in peace, when wars and rumors of wars are hushed throughout the earth. It is true in uneventful times, in periods barren of action and prolific of repose. But what shall be said of its urgent, warning truth as applicable to us in this dark hour of trial and of danger? Immediate and adequate financial facilities constitute, beyond all question, the overtopping, overmastering subject with which we have the power to deal.

Gentlemen have longed for victories to reinvigorate the languishing energies of finance. Victory no doubt would exert a potent influence; but, sir, the Treasury will control and decide the war, not the war the Treasury. Indeed, the question of money and credit is all there is before us ; it is practically the only unsettled question of the war. Armies and navies may perish, and a public credit well preserved can replace them ; but if the public credit perishes, the army and navy can only increase the disaster and deepen the dishonor.

We have patriotism and courage, and fighting men enough to crush rebellion throughout the Union, and then to sweep from this continent every occupant of it but ourselves, and sponge off their ships from our waters. We have in the field the first army in history, the first in the means to conquer with. It is said that in 1811 Napoleon had 1,100,000 men, and other instances are mentioned of exceeding numbers ; but nowhere short of fabulous narration can be found an army so numerous, and at the same time so powerful in material, so complete in arms and equipment. Nowhere can be found an army so well paid ; nowhere a great army so well fed or cared for ; no nation has ever attempted to maintain an army at anything like the same expense. The Secretary of War says that 718,512 men have taken the field ; 77,000 of them were three months' men, but 640,637 are enlisted for the war. We have eighty-three regiments of cavalry ; eight more than France. Every one of this multitude of soldiers is

entitled to at least thirteen dollars a month, besides subsistence and bounties. Sir, there is nothing like it in all history. No nation ever attempted it, or approached it ; never for any length of time.

\* \* \* Besides our army, we have a navy to construct and maintain, and the future cost of both will be, if not \$2,000,000 a day, \$45,000,000 a month. To provide these sums so long as they shall be needed, to secure and carry along, till we can pay, the amounts which have already been expended, to devise a policy which shall carry on the Government when the war is ended, and ultimately work out the extinguishment of the public debt—this is the problem to be solved, and the Constitution says that we alone shall solve it. I believe we can solve it, and will solve it ; and I hope by some policy worthy of the occasion and adequate to it. But let us have no make-shifts, no subterfuges, no timid expedients to dodge honest taxation. Above all things, let us practice no concealment or deception upon the tax-payers. \* \* \*

Complex as are the circumstances by which we are surrounded, other men have coped successfully with circumstances as difficult, and left behind them the light of their example to warn and guide us. We have the folly of some who have scattered ruin and strewn wreck in the midst of plenty ; we have the wisdom of others who have created and preserved empire in the midst of want, and caused civilization to rise on golden wings out of the very ashes of exhausted systems. Our own statesmen have done far more than their share to endow the world with financial wisdom. It was to this subject that the greatest of Americans gave his best endeavors. He delved deep in the mines of perpetual prosperity. He founded and organized a new department. He conceived and created a system, and the world saw that it was good. Upon foundations of honesty and truth he reared an enduring structure of public credit, and so pervaded it that to this day we meet at every turn the genius of the builder. He haunts us yet with the maxims he has left ; maxims from which we are invited to depart, though we cannot forget them. He has bequeathed to us his lessons of wisdom with that singular felicity of diction which made Marshall say “his statement was argument, his inference was demonstration.”



Hamilton insisted upon "incorporating, as a fundamental maxim, in the system of credit of the United States that the creation of debt should always be accompanied by the means of extinguishment; this is the true secret of rendering public credit immortal." Invested with such attributes, Government securities are the best securities in the world, and can always be used to negotiate loans at the lowest rate of interest. Without these attributes, the obligations of a Government are the most worthless, the most short-lived and shallow, of all devices with which to borrow money. Do we not know this? Do we not heed the teachings of history sanctioned by the founders of our institutions? Do we not know that, unless we would make shipwreck of everything, we must accompany emission with taxation? Do we not know that we have no right to authorize the utterance of a dollar of paper, without accompanying it with a tax for its ultimate redemption? We do know it. But it is said that the principle, though a good one and sound in itself, must at this time be sacrificed to necessity. Necessity! that market price of principle at which every virtue has been sold for six thousand years. From the apothecary selling poison, to the lord chancellor selling justice, the plea has always been, "My poverty, but not my will, consents."

Sir, I deny that any necessity is upon us to take the case out of settled rules. We need money—large sums of money—and the whole resources and property of the nation are liable to pay tribute to raise it. We owe debts—large debts—and the whole property of the country is holden to pay them. Does anybody suppose that the security is not ample, or the resources not abundant? My colleague from the Erie district [Mr. Spaulding] told us that the taxable property of the nation amounts to sixteen thousand million dollars; and he produced a statement from the Census Bureau to prove it. In reality it is vastly more than that, because he gave us a self-fixed valuation—the valuation fixed by proprietors themselves, having an interest in reducing and covering up the amount. According to my colleague, at the end of this fiscal year our debt will be only \$650,000,000. One would think here is margin enough for Wall Street, State Street, or Chestnut Street. Sir, it is margin enough, properly husbanded

from first to last, to enable us to raise all the money we want at five per cent., and history proves it.

Now, sir, what does this plea of necessity mean—this plea upon which we are invited to leave the trodden paths of safety, and seek new methods of “coining false moneys from that crucible called debt?” What is the necessity which prevents adherence to the old and approved methods of raising money? The argument must be twofold: first, that the people will be better ready at some other time than the present to pay what, in the end, they must pay, with interest; and second, that necessary and legitimate taxation will be unpopular, and bring denunciation upon those who vote for it. Sir, I take issue upon both propositions. I say the country is rich and ready. Money is abundant—very abundant. There is in the loyal States \$250,000,000 of gold—the gentleman from Massachusetts [Mr. Alley] said the other day \$300,000,000—more than ever before, and if we deserve it we can have it. The whole country is full of wealth. The enormous expenditures of this home war have been made among ourselves, and the money has remained here, and not gone into the channels which foreign war prescribes for currency. The harvest has been abundant; materials and productions, raw and wrought, have been in great demand; and nearly every loyal State teems with the elements of material prosperity. From a very extravagant, we have latterly become a very economical people, and thus the percentage, as well as the aggregate of savings and of earnings, is unusually great. We are able to pay now, and we can never pay better than now.

So much for the ability of the people to bear taxation. Now, a word as to their willingness to bear it. I believe no error could be greater, no aspersion more libellous upon the patriotic people of the country, than the supposition that they will shrink from paying the legitimate expenses of annihilating rebellion. The millions who have risen in majesty to defend from overthrow the institutions of their fathers have poured out costlier tribute and more precious treasure than taxation asks. They have sent their sons to distant battle-fields, and gone themselves to bare their bosoms to the icy fang of death. When such is the hallowed measure of spontaneous loyalty, shall we presume to impugn it?

Shall we suppose that those who are pouring out their dearest jewels, and offering more, will palter about honest taxation? No, sir; it requires no courage for a Representative to vote taxes now. He is entitled to no credit for doing it. The people are eager to be taxed, and no needed levy will be a tribute wrung from reluctance, but an offering laid with a bound at the feet of the country. One thing is needed, and only one, to make taxation welcome. The people must know what is to be done with their money. They must know that some things are not to be done with it. They must know that the money is not to be swept into the lap of gamblers and thieves, whether of high or low degree, in office or out.

\* \* \* \* \*

Above all things else they must know that it is to be applied to the most vigorous policy of war—that policy most destructive of rebellion and most crushing to the idea, whoever dare suggest it, be he in high place or not, of a continental partition, or dismemberment in any contingency. They must know that no idea of accepting anything less than absolute submission lurks undiscovered or glides unbruised near any department of the Government. They must know that dalliance and delay find no hiding-place either among the cushions or the saddles on which power is seated.

\* \* \* \* \*

We have abundant means in our hands; the question is, Shall we make proper use of them? Unless we appeal to the moneyed interest of the country with an adequate policy, we can get no money, and ought not to get it; we shall not deserve it. But if we do present a sound and solid policy, we can realize, and realize promptly, all the money we require. We can, in anticipation of taxation, realize it on paper based upon and to be retired by taxation, that being made part of the compact with the public creditor. If this very bill, in place of containing a legal-tender clause, had provided that every note which it proposes to utter should have stamped or inscribed upon it, “Based upon taxation,” “To be redeemed by taxation,” so as to be inwrought with taxation, that mode of imparting value would, I submit, have been a

vast improvement on the provision as it stands. Such a provision would have seemed like the magic touch of Hamilton. He says:

"The true definition of public debt is a property subsisting in the faith of the Government. *Its essence is promise.* Its definite value depends upon the reliance that the promise will be faithfully fulfilled."

\*           \*           \*           \*           \*           \*           \*

There has been some carping at the Committee of Ways and Means because they have not brought in a tax bill before this time. For one, I have no patience with such strictures. Charged, as the committee is, with more onerous and perplexing duties than rest on any other persons in the Government just now, I think it is entitled to the thanks of the House and of the country for its multiplied and conscientious labors, hastened, no doubt, as fast as possible. With very great respect to that portion of the committee favoring this bill, I venture to suggest some criticism upon it. It has not been put forward as a measure calculated or able to stand alone; it is admitted to be incomplete in itself. It is to be propped up by a tax bill. So far, so good; but the two together cannot stand without something else upon which to lean; they are both intended, as is now admitted, as a kind of pedal attachment to a bigger thing—a great banking scheme, a creature of gigantic proportions, "fearfully and wonderfully made!" \* \* \*

I do not wish to say anything disrespectful of this great banking invention; but, with him of old, "I fear the Greeks," and when this Trojan horse is trotted out I hope some doubter with a spear will investigate his bowels and see what he is likely to emit, whether armed men or something else; and if armed men, we'll add them to that army which my colleague from the Onondaga district [Mr. Sedgwick] said the other day goes into winter quarters in summer weather.

There is one thing, however, about the proposed banking scheme, and about the bill before us, intended, probably, to attract votes, which seems of very questionable policy and very doubtful ethics. I mean hostility to the existing banks of the country. And inasmuch as I own not a farthing in the stock of any bank, and have not the slightest connection with one, perhaps a word in behalf of banks in loyal States will be borne with from me.

The present troubles, or rather their own patriotic action, have

broken the banks; for every commercial man in this House knows that the banks were never stronger than when the Secretary of the Treasury appealed to them for loans. They allowed the Government to carry off their specie, their capital from their vaults, and if that did not break them, they at all events might have adopted a policy which would have saved them. But they had to suspend, and the design of this bill would seem to be to prevent their resumption of specie payment. At all events, it is obviously the policy in some quarters to preach a crusade against the present banks, and array prejudices and votes on that issue.

There are two questions to determine before entering upon such a course: first, Is it expedient? second, Is it right? There are in the free States upwards of twelve hundred banks, with an aggregate capital of \$350,000,000. They have fifteen thousand directors, and one hundred and eighty or two hundred thousand stockholders. They ramify everywhere, and connect themselves with all the capital of the country. In view of these facts, is it better for the Government to make the banks its fiscal enemies or its fiscal friends? If we have no further use for them, if we have done with them, if we are above and beyond them, it is of no importance as to expediency either way. But, even then, are we justified now in making war upon them? The banks of New York, Philadelphia and Boston represent a capital of \$119,000,000, in round numbers. Of that capital they have loaned to the Government \$100,000,000. Has any other interest in the country put so nearly its whole capital into the war? I know of none; and I submit to gentlemen whether, even if the stock and assets of these banks were not largely owned by orphans and widows, it would be quite the thing for us just now to indulge in unprofitable hostility to banks?

But, sir, if this scheme is the best thing that can be devised to sustain the credit of the Government, it is entitled to, and I hope will receive, every vote here, no matter whom it benefits or injures. It seems to be conceded by the advocates of the measure that unless the legal-tender clause is retained it would not be wise to pass it; in other words, that a good objection to that clause would be fatal to the bill. I propose, therefore, to assign my rea-



sons briefly for voting against the attempt by legislation to make paper a legal tender.

The proposition is a new one. No precedent can be urged in its favor; no suggestion of the existence of such a power can be found in the legislative history of the country; and I submit to my colleague, as a lawyer, the proposition that this amounts to affirmative authority of the highest kind against it. Had such a power lurked in the Constitution, as construed by those who ordained and administered it, we should find it so recorded. The occasion for resorting to it, or at least referring to it, has, we know, repeatedly arisen; and had such a power existed it would have been recognized and acted on. It is hardly too much to say, therefore, that the uniform and universal judgment of statesmen, jurists and lawyers has denied the constitutional right of Congress to make paper a legal tender for debts to any extent whatever. But more is claimed here than the right to create a legal tender heretofore unknown. The provision is not confined to transactions *in futuro*, but is retroactive in its scope. It reaches back and strikes at every existing pecuniary obligation.

\* \* \* \* \*

The Constitution of the United States is an instrument of delegated and enumerated powers, and Congress has no powers except those which the Constitution confers. Not so with the Legislatures of the States. They have all the residuum of legislative power. In looking, therefore, for a power in the Constitution of a State, the question usually is, has it been taken away or forbidden? But, in looking at the federal Constitution, the question is, Has the power been given; is it there? Can you put your finger upon it among the grants of the Constitution? If not, if it is not there at all, you have not the power, and there is an end of the whole matter.

But, sir, passing, as I see I must, from the constitutional objections to the bill, it seems to me that its moral imperfections are equally serious. It will, of course, proclaim throughout the country a saturnalia of fraud, a carnival for rogues. Every agent, attorney, treasurer, trustee, guardian, executor, administrator, consignee, commission merchant and every other debtor of a fiduciary character, who has received for others money, hard



money, worth a hundred cents on the dollar, will forever release himself from liability by buying up for that knavish purpose, at its depreciated value, the spurious currency which we shall have put afloat. Everybody will do it, except those who are more honest than the American Congress advises them to be. Think of savings' banks intrusted with enormous aggregates of the piti-ances of the poor, the hungry, and the homeless, the stranger, the needle-women, the widow and the orphan, and we are arranging for a robbery of ten, if not of fifty per cent. of the entire amount, and that by a contrivance so new as never to have been discovered under the administrations of Monroe Edwards or James Buchanan.

To reverse the picture; after the act shall have gone into effect, honest men undertake transactions based upon the spurious tender at its then value. By and by comes a repeal, and they are driven to ruin in multitudes by the inevitable loss incident to a return to a metallic currency. I understand there are forty thousand petitioners in both Houses now praying for the passage of a bankrupt law. Sir, provision will be needed on a scale of bankruptcy more liberal and gigantic than England ever saw, for the relief of honest people, who will be cheated and ruined under the legal-tender system now proposed, if the country makes the experiment and survives it.

But, surmounting every legal impediment, and every dictate of conscience involved, viewing it as a mere pecuniary expedient, it seems too precarious and unpromising to deserve the slightest confidence.

The whole scheme presupposes that the notes to be emitted will be lepers in the commercial world from the hour they are brought into it; that they will be shunned and condemned by the laws of trade and value. If this is not to be their fate, what is the sense, as was said in the federal constitutional Convention, in attempting to legislate their value up.

Now, sir, I do not believe that you can legislate up the value of a thing any more than I believe you can make generals heroes by legislation. The Continental Congress tried legislating values up even by resorts to penalties, but the inexorable laws of trade, as independent as the law of gravitation, kept them down. I do

believe you can legislate a value down, and that you can do it by attempting to legislate it up, and I hope that my time will enable me to give some reasons for that; but let me continue the present point. My colleague argued that any other thing or metal, if stamped with the same value, would be as valuable as coin for commercial purposes within the jurisdiction of the Government so stamping it. Thus a piece of paper and a piece of gold stamped alike would be of equal value. Here is what he said:

“Any other metal or thing that should be stamped, and its value regulated by all the Governments of the world, would pass equally as well in all commercial transactions as gold and silver, although not intrinsically as valuable. Exchange bills or Treasury notes, whose value is fixed by Government, and stamped as money, would pass as money in the payment of debts within the jurisdiction of the Government fixing such value.”

Let us examine this. A piece of gold is coined into an eagle and stamped ten dollars, and a piece of paper stamped of the same amount. Now, cut off the stamp from both, and are they of the same value still? If not, why not? Simply because coin, like every other article of value, represents the cost of production. Thus every coin purports to be of a value equal to the cost of producing it, less the expense of coinage and less also the alloy which is put into it to make it harder, and to prevent its being absorbed into the coinage or the crucibles of other nations, as it might be if the standard were not controllable. If my colleague is right in his idea that calling a thing gold will make it gold, or as good as gold, why was it that the brass guineas of James II. would not pass for guineas? And why did the debasing alloys of Henry VIII, Edward and Charles II, strike down the currency of England to the most ruinous degradation? Why was it infamous for the Stuarts to clip the coin? Why should we not make our dollars out of fifty pennies' worth of metal, and cause them to pass? That device, if it would work, would solve our difficulty. Why was it that the Continental money, with an edict of Congress that whoever refused to take it at par should be held an enemy to his country, why, with such value affixed, did Continental money become so worthless? In the city of Philadelphia \$7,000 was charged in Continental money for a dinner, with wine, for two persons; and two gold guineas settled the score.

If my colleague is right that the Government, by putting on a stamp of value, can make things really of that value, I would suggest that we pass a bill to put a stamp of \$125 on each of the Government horses. They each represent the sum of \$125; but unstamped they are said not to be worth the money. If the thing could be carried out, a very snug sum could be made in that way, and we might even make them a legal tender.

I said, a little way back, that the attempt to legislate up the value of a currency might legislate it down, and that some reasons might be given for apprehending such a result here. Take one obvious view of this. As between the creditor and the debtor interest in the country, the debtor interest always predominates. At this time it largely predominates, and a moment's thought, without the figures before us, will show that the debtors are in a great numerical majority over the creditors. It is also true that almost every man in the country belongs either to the creditor or the debtor class—every man owes somebody else, or some one owes him. So it will be seen that more than half of us throughout the land are debtors.

Now if a particular kind of paper money is made a legal tender, which will pay a debt and wipe it out to the full amount of the face of the paper, no matter how little it costs, it of course becomes at once the interest of all those owing debts to depreciate, as far as possible, and cut down the price at which the paper can be had. In this way a strong inducement would be offered to more than half the public to bear down the currency created, and to continue the system as long as possible. Unless commercial people—and other people nowadays—are different from all the other children of the man who bit the apple, we shall damage the real, honest value of the paper we are going to issue by making a law that every man who can buy it up at less than its face can make it go just as far in paying his debts as if he gave for it a hundred cents in the dollar.

I wish I had time; I wish I was sure the committee would give me five minutes after the hammer falls to answer an argument made on yesterday by the distinguished gentleman from Massachusetts, [Mr. Hooper]; but I am afraid to trust the committee for that, and I pass it, only saying, with great respect to him, that

the only consideration he suggested which weighed with me in favor of this legal tender scheme was, that the people, the Government having taken the coin from the banks, would be unable to pay their taxes in coin, because they could not get it. Sir, that is a good suggestion, and all we need to meet it is a very simple provision, having none of the objections to making paper pay debts indiscriminately. You only want in the bill we pass the old doctrine of recoupement and set-off, and then the citizen can pay his tax in Government issue. This is a sound and equitable doctrine. It is as old as the common law of England; as old as the civil law of Rome. It means merely this: if my friend here has my check, which has not been paid, and I have a tax or a debt against him, he may pay that tax or debt with the check, setting off one against the other, and settle it. You need no legal tender for that. Everybody's plan is to make the notes issued receivable for taxes.

But shall it be said that, because we all agree that the Treasury notes to be issued should be receivable for taxes, we shall go further and hoist the flood-gates of fraud, by making these notes pay debts to the amount of their face, when the bill virtually admits that they will be worth but ninety cents in the dollar on the day the law takes effect? No, sir; and I thank God that the great State of New York, which carries one-fifth of the burdens of the nation, and which has loaned for years to the Government ninety per cent. of the money it has borrowed—I thank God that the State of New York has, in the popular branch of her Legislature, set the seal of her disapprobation upon this monstrous proposition by a vote of almost two to one. Such a step, if it should ever be taken by a Government, should be taken only when everything else has failed and the last extremity has been reached. It is the last expedient to which kings and nations can resort. When you clothe an individual with the power to give his own checks to pay his debts and supply his wants when he has nothing with which to pay them, and when you ordain that every one shall receive his check, you have performed for that man the last sad offices of financial humanity; there is nothing left to be done for him; and if he fails then, he is past resuscitation and past resurrection. So of a Government; you may try any other expedient

with impunity, and if it fails, you have remaining a resort to other things; but if you once authorize the issue and compel the acceptance of its own paper, and that proves to be a failure, there is nothing left; the die is cast; the last link is broken.

Are we reduced to any such extremity? Do gentlemen reflect what is the admission contained in this scheme; the desperation which it presupposes? Do they think of the danger and distrust to which they expose their Government both at home and abroad?

It is right to learn of an enemy, and already the *London Times* hails this \$100,000,000 legal-tender bill as the dawn of American bankruptcy and the downfall of American credit. Perhaps we can learn financial wisdom from a nation which long since established in its Parliament the standing rule that the creation of a debt should never take place without being accompanied by the mean of its extinguishment.

Mr. Chairman, I believe all the money needed can be provided in season by means of unquestionable legality and safety. The substitute I have offered will, I believe, without substantial alteration, effect the result.

And let me assure gentleman that it will stand alone upon the tax bill to be brought in, and it will not be necessary to have behind it a new banking system, which could not be set in motion until a year after the expiration of the war.

The advocates of the original bill present a more sombre picture for the future than I had supposed to be necessary, although I think the account of the nation shows larger balances against us than was stated at the opening of the debate. The estimates submitted to us show the following items:

|                                                                                     |               |
|-------------------------------------------------------------------------------------|---------------|
| Debt funded or liquidated up to January 15, 1862..                                  | \$306,000,000 |
| The floating debt contains a large unknown element,<br>but cannot be less than..... | 200,000,000   |
| Required for expenditures, ordinary and extraordinary,<br>to July 1, 1862.....      | 300,000,000   |
|                                                                                     | <hr/>         |
|                                                                                     | \$806,000,000 |
|                                                                                     | <hr/>         |
| *        *        *        *        *        *                                      |               |

Eight hundred and six millions! Who can credit these figures when he remembers that the world's greatest tragedian closed



his bloody drama at St. Helena leaving the public debt of France less than seventy million pounds?

This enormous debt amounts, for each Congressional district represented upon this floor, to \$4,210,000, and when the war is ended it will be more than five millions of dollars. Let every gentleman ponder upon the fact that there is more than three hundred thousand dollars of interest to be paid every year by his Congressional district.

In addition, when the war is over, our expenses upon a peace footing will be enormously large for many years. We may anticipate the following estimates:

|                                                |                      |
|------------------------------------------------|----------------------|
| Interest on public debt.....                   | \$50,000,000         |
| Sinking fund of one per cent. on the debt..... | 8,000,000            |
| Army, say.....                                 | 75,000,000           |
| Navy, and coast defences.....                  | 65,000,000           |
| Civil list.....                                | 50,000,000           |
|                                                | <hr/>                |
|                                                | <u>\$248,006,000</u> |

A sinking fund of one per cent. invested in six per cents., with the interest reinvested semi-annually, will extinguish the whole debt in thirty-one years. Therefore I have stated my figures as to sinking fund at one per cent. If we can levy and collect the sum required on a peace footing, or nearly that sum, the Government is financially put in the best condition; and this, or nearly this, we ought to do. It is idle to pretend that it can be done, or that anything can be done, to carry us through, without inflicting great suffering and sorrow. But the pangs and trials of a nation are in the ratio of its destinies. We must not forget the sublimity and vastness of the epoch, and of the sacrifices it warrants.

There has been no such occasion presented to a nation, no such demand made upon a nation, during the lifetime of the human race. The history of America, the history of free government, the history of constitutional liberty, begins or ends now. We have our career and our traditions as a nation; they are safe; but our history is yet to be made. Our destiny is, without an ally in the world, with nations banded against us, to hold fast a continent in the midst of the greatest, guiltiest revolution the world has ever seen. \* \* \*



On the fifth day of February Mr. Spaulding moved "that the Committee rise with a view of closing this debate."

When the question was about to be put Roscoe Conkling demanded tellers. The Committee divided and the tellers reported—yeas, fifty-two; nays, sixty-two. Hence the motion was lost.

The sixth of February was an eventful day in the House of Representatives. After many speeches for and against the Spaulding bill, an amendment "to strike out the legal-tender clause" in the original bill was rejected. Mr. Conkling withdrew the substitute which he had proposed. It was then decided that a vote should first be taken on the substitute finally offered by Valentine B. Horton, of Ohio, a member of the Committee of Ways and Means. The gist of his substitute was to authorize the issue "on the credit of the United States of \$100,000,000 of Treasury notes bearing interest at the rate of three and sixty-five-hundredths per cent. per annum, payable in two years after date to bearer at the Treasury of the United States, \* \* \* and such notes shall be receivable for all public dues, except duties on imports." The bill further enabled the Secretary of the Treasury to fund the Treasury notes by issuing coupon or registered bonds "to an amount

not exceeding \$500,000,000," which was divided so as to bear interest at different rates.

When this bill was reported from the Committee of the Whole to the House, the vote was first taken on the Horton substitute. The yeas and nays being ordered, the question was put, and it was decided in the negative by fifty-five yeas and ninety-five nays. Frederick A. and Roscoe Conkling voted *YEA*.

The question then recurred on the modification of the original bill offered by Thaddeus Stevens as a substitute. This amended bill provided for the issue of "\$150,000,000 of United States notes, not bearing interest, payable to bearer at the Treasury of the United States, \* \* \* and of such denominations as he (the Secretary of the Treasury) may deem expedient, but not less than five dollars each." It further authorized the issue of bonds to an amount not exceeding \$500,000,000. Two penal sections to guard against counterfeiting were adopted as part of the measure.

This bill as thus amended, after a long debate and vigorous opposition, was passed by yeas, ninety-three, and nays, fifty-nine, Frederick A. Conkling and Roscoe Conkling voting *nay*.

Several days later the Spaulding bill passed the Senate with some amendments and was returned to the House. Frederick A. and Roscoe Conkling

voted against Mr. Stevens's amendments to pay *in coin* "officers, soldiers and sailors in the army and navy of the United States, and for all supplies purchased by the said Government." This was lost by a vote of sixty-seven to seventy-two.

Then the question was upon the sixth amendment of the Senate *to pay interest in coin on bonds and notes*. Roscoe Conkling demanded the yeas and nays. It was adopted by a majority of thirty-two; the Messrs. Conkling voting in the affirmative.

Several minor amendments were then concurred in, and the bill finally passed the House, February 24, by a vote of yeas, ninety-seven, and nays, twenty-two. On the next day the Senate, without a division, adopted the amended bill, which was at once approved by President Lincoln. Thus did the legal-tender act, after a debate of two months and in the face of a most able opposition, become a law.

This was the only occasion of the three sessions of the Thirty-seventh Congress when Roscoe Conkling found himself outside of the policy of his party. Now in the light of later days we are happy to see that the Government survived the inflation which attended the issue of paper money, and that the enormous resources of the nation, together with the wisdom of the Republican party in sustaining the public credit, carried the country safely through this fearful crisis.

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1862-1863.

## CHAPTER XI.

RESOLUTIONS—SPEECHES—HE IS RENOMINATED AND  
DEFEATED.

THE next important official act of Roscoe Conkling was to offer a resolution February 24, 1862, to the effect "that the thanks of Congress are due \* \* \* to Generals Halleck and Grant for planning the recent movements in their respective divisions \* \* \* " This had special reference to the recent victory of Fort Donelson, Kentucky. It seems to have been the first of the kind offered to commemorate the services of General Grant. He said :

My purpose \* \* \* is this : I desire that those who earn military honors shall wear them, and shall wear all the honors to which they are entitled. \* \* \*

I do not believe that these victories were arranged by men sitting at a distance engaged in what is termed "organizing victory." My belief is that they have been achieved by bold and resolute men left free to act and to conquer, men having the confidence of their soldiers ; men who believe that the hearts of a patriotic soldiery are the best intrenchments, and that devotion to the cause they fight for is the best discipline to win battles. They are due to men who have believed in action, unhesitating action, with the bayonet when needed, and not in "organizing victory." I want to

crown with heroic honors the real heroes of this war, \* \* \* and my object will be accomplished if the great honor belonging to the blows lately struck on Western rivers and their banks shall be conferred where it belongs, and shall not be appropriated or absorbed by any person whatever who has not earned it. \* \* \*

In compliance with the suggestion of the President in his message of March 6, concerning emancipation, Roscoe Conkling introduced, March 10, a joint resolution which, on the following day, after much opposition, was adopted in the House by eighty-nine yeas to thirty-one nays. Of the thirty-one members voting against this resolution all but two were Democrats.

The resolution read as follows :

*“Resolved*, by the Senate and House of Representatives of the United States in Congress assembled, That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.”

In the spring of 1862 the Ninety-seventh Regiment was recruited in the counties of Oneida, Lewis and Herkimer. It was called the “Conkling Rifles.” Before starting for the seat of war, Mr. Conkling addressed them and wished them God-speed. For such occasions he prepared himself with as much care as if he were to speak in the House of Representatives.

Mr. Conkling’s next speech in Congress was in

regard to the report of the "Select Committee on Government Contracts." He denounced the extravagant expenses of the Committee in traveling from State to State ; and he specially objected to the item of "mileage," wherein he parodied Pope by saying,

"A little mileage is a dangerous thing."

A few witty paragraphs from this speech will be published in our chapter on "Oratory."

The following letter from Mr. Conkling to his friend Daniel Batchelor, at Utica, explains his position in the then coming Congressional campaign.

[Private.]

HOUSE OF REPRESENTATIVES, }  
May 10, 1862. }

*My Dear Sir:* Have your letter—second one remaining unanswered—glad to get it—always glad to hear from you.

Besides the interest your letters have, I know that you take nothing amiss when I cannot find a minute for leisure or leisure's work. If you want to read the speech you mention, read one of these. It was a little "mixed" in the *Herald* both by the type-setter and form maker.

I don't know why Mr. Manning should be vindictive toward me—there is nothing in my acts toward him or his profession to account for it.

Whom do you report as my "would-be rival"? Stupid, in me? Well, like enough ; but I don't know who is thus poor in contentment.

They can't beat us by a fight—remember my prediction—but in another way it would be easier than they would believe to beat *me*. You would scarcely believe how easily that could be done,



but I think you will believe that unless the constituency which has honored me so much, and of which I feel so proud, unless the Republican party in Oneida, unprompted, unpersuaded, undeceived, wants me for its Representative here in this weary work-house, I would no longer be here, however easily I could secure a return. Rest assured of this, and further, that much as I regard the opinions and wishes of friends, such friends as have supported me, much as I am the willing child of friendship, no advice, no opinion, will change my purpose to stand squarely upon that ground. *I will not be a candidate again by my own seeking*, and no friend will regard my wishes who allows me to appear in such a guise. I say this freely, for *you* will approve and appreciate it. One more thing on this theme of bad taste.

There is everything in my position here that I could reasonably desire—if relationship to men and things here could kindle the fires of ambition to return, those fires would burn brightly, more so than you have any reason to suppose—but home, rest, independence, a profession preserved, a future provided for, already too much neglected, and tastes cultivated, too long wasted—something to live by and die by—all these “enter at the open door.”

The fight you predict has its charms—should I be in the case, and noise disturbs no one but me, let us have a row by all means. The ———, after publishing the wire report of W———, has taken care not to publish the square retraction and apology he made in the same public place where he violated decency. This was done upon a square requirement. Governor Crittenden (who is as gallant and ready for extremes as in his youth) is acting for me, and acting *earnestly*, and it is a curious illustration of baseness that a journal should do and omit, as one Democratic organ has done in just such a matter. Pardon all this, burn it and write me.

Your friend,

R. C.

Soon afterward he advocated and voted for a bill to confiscate the property of the rebels.

In answer to an invitation to address a meeting

of loyal citizens in the city of New York, Mr. Conkling wrote the following letter:

HOUSE OF REPRESENTATIVES, }  
WASHINGTON, July 14, 1862. }

*Gentlemen* :—The duties resting upon a Representative in the closing hours of the present session require me to be constantly in my seat. Were I at liberty to accept the invitation with which you have honored me, it would give me great pleasure to address a mass meeting of your citizens on Tuesday next.

Although debarred the privilege of participating in your proceedings, I shall regard them with an interest not likely ever again to attach to any similar occasion. The exigencies and demands of the hour give to public action at this moment an importance which cannot now be realized. A great future is enshrouded in a little period immediately before us. The fate of our country depends upon the alacrity of its citizens. Your great metropolis has the leading part in the sacrifices and the duties which await us.

The imperial position of our State was never shown so conspicuously; her resources and munificence have never been so indispensable to the whole nation as since the outbreak of the present rebellion. The position New York shall now assume will exert a commanding influence upon the final issue of our national difficulties, and the action of the meeting on Tuesday will do much to awaken feeling throughout the State.

Let the city speak in emphatic tones in favor of sparing nothing that stands in the way of crushing treason at home and repelling insolence from abroad. The meeting is timely, and I wish it complete success.

I have the honor to be, your obedient servant,

ROSCOE CONKLING.

Hon. JAMES W. WHITE and others, Committee.

Concerning Roscoe Conkling's wish, as stated in his letter, "to be constantly in his seat," it may be said that he scrupulously avoided absence from

the House except when imperative. He often humorously spoke of himself as a "hired man," who should attend to his day's work. If he answered a card brought to him by the doorkeeper he soon disposed of his visitor, for he well knew that an active member is often purposely called from his seat at a critical moment when he cannot object to the consideration of an important measure.

The author has known Mr. Conkling to excuse himself from the table of a formal dinner-party to the end that he might resume his seat on the floor of Congress. He was a "watch dog" of legislation, and always kept the run of the proceedings with a view either to favor or oppose any bill of a weighty nature.

Roscoe Conkling voted July 15 "for an act reducing Congressional mileage." In the course of his remarks he said :

\* \* \* We have been sitting here a good many months sympathizing most kindly with the overburdened people of this country; we have expended some rhetoric upon the fact that we are engaged in the most expensive war the world has ever seen; we know that we are carrying a public debt greater in proportion to our basis of taxation, taking into account the rates of interest we pay, than the public debt of England; a great variety of most cogent reasons for retrenchment and reform are gravely evident, and earnest professions have been made on all sides of a determination to economize and correct abuses. But what have we done? Much has been said, but how much has been done? We

have increased a great many salaries; many of them, I think, without any good or sufficient reason for it. I say so under favor, meaning no disrespect to that majority made up of all shades of party politics which has thought otherwise. On the other hand, we have not scrupled to cut down the pay of brave men who have gone to stricken fields to maintain the honor and existence of the Government. We have been in various ways regaling the public ear with necessities of reform, and I submit to gentlemen, one and all, that if we are sincere in the matter, if we mean to do our duty, it behooves us, as we value our respect and our consistency, to remember that charity is not the only thing that should begin at home. Let us cut down our own pay, *let us cut it down liberally, and then we can with propriety and consistency make war upon the emoluments and superfluities of others.\** Upon this ground we can stand; and we ought not to stand upon any other if we could. \* \* \* I am for a mileage reform, I am for a reform that shall be a practical and simple one. Such a proposition is now before us. We have it within our power to eradicate a system which has long been a sin and an abuse; and I call upon the gentleman who introduced the original half-way proposition, and upon every other gentleman, to join hands in passing the bill. \* \* \*

During the session his voice was often raised for "economy in the public expense, that labor may be lightly burdened by taxation." This was especially shown in his opposition to *unnecessary* appropriations and in his support of the bill to reduce the mileage of members.

In the autumn, Roscoe Conkling received his first and only defeat for representative in Congress. The Republican Convention met at Rome (four days after the date of the Emancipation Proclamation) September 26. Charles H. Hop-

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\* The Italics are the Author's.

kins, the chairman of the County Committee, called the Convention to order. Senator A. H. Bailey was chosen as permanent president. After the usual preliminary business, D. B. Danforth, of Annsville, moved that Roscoe Conkling be nominated by acclamation for Congress. The Hon. Ward Hunt, who, it will be remembered, opposed Mr. Conkling in the County Convention of 1858, seconded the nomination and spoke at some length. The question was put and carried amid much enthusiastic applause. In the resolutions which were next unanimously adopted, Roscoe Conkling was praised for "his knowledge of public affairs, his unwearied attention to the interests of his constituents, his devotion to the great interests of Freedom, his efficient support of the President in all his efforts to preserve the Union and to crush rebellion, his eloquent advocacy of the important interests of the army and navy, the confidence and esteem in which he is held by his associates in Congress and by the President, together with his unspotted personal character." \* \* \*

Mr. Conkling, in response to the call of the Convention, made a stirring speech, from which we print the following extracts :

\* \* \* \* \*

We are passing through a stormy, fearful crisis—a crisis which demands of men in public station the highest qualities of the mind and of the heart. Wisdom, courage, truth, an absence of

all disguises and concealments, an unmistakable position upon the one great issue, a position untrammelled by connections or obligations, these are the least qualifications to be accepted from any man who aspires to utter for the next two years the voice of a constituency such as you represent to-day. Could I invest myself with these qualities, could I hope to exhibit them as many others could whom you might have chosen, I should still shrink from the labors and anxieties of a Congress destined to deal with perhaps the most momentous questions ever submitted to a legislative body—a Congress upon whose firmness and fidelity to the loyal sentiment of the country will hang the question whether the Government shall be upheld and perpetuated in its dignity and power, or whether it shall go down under the combined assaults of traitors in front and enemies in the rear.

The ordeal is one which the wisest, boldest honest man might wish to shun. \* \* \* Had it pleased you to commit the interests of the district to other and better hands, I should have returned to a home and to private interests long neglected, glad to rest from the labors of public life, and grateful for favors already showered upon me far beyond my deserts. But it is enough for me to know that it has been ordered otherwise. You have summoned me once more to carry the standard, and I am ready; ready with my poor ability to keep it against all comers, and, supported by such men as I see around me, to bear it untorn and unsoiled through the bitter conflict which I know awaits me.

There is a joy called “the joy of the battle,” and it would be false to deny that I feel that joy in facing the false and foul attacks, open and secret, made upon me personally for political effect. I hold it an honor to be the object of especial assault by those who would humble and disgrace our glorious country in her political position and belie her loyalty to the Government. \* \* \*

The election we are approaching is destined to be ever memorable in the history of our country. It will settle, in a great measure, the whole question of our existence as a nation. It will pronounce louder than any battle can pronounce, the fate of the rebellion. It will decide whether we are to gain the objects for which thousands of lives and millions of dollars have been laid



down, or whether, after all our sacrifices, those objects are to be frittered away, sold, compromised, surrendered.

It is at once the glory and strength, and yet the weakness of our Government that it has no existence separate from the people, that it is but the shadow of the people, only a mirror wherein the will of the nation, expressed at the ballot-box, is seen and reflected. No administration at Washington can retain its vigor and vitality unless the people by their votes show their approval of its acts.

It may and it must remain in possession of the Government for the four years for which it was elected, but it will drag out a helpless, useless existence unless it is sustained. If you want it to make use of vigorous measures of war, you must say so by your votes. The ballot-box is a trumpet through which the Constitution bids you speak, and your voice, thus uttered, will never be disregarded. The President and his Cabinet will not, they cannot, be deaf to it; they are on trial at the approaching election. They hang upon that election for the very means of affirmative existence. \* \* \* It is the duty of all to look and see who they are who have seized upon the organization of the Democratic party and rushed out in the hour of the country's agony to snatch the control of its affairs.

Mr. Conkling thus described the Albany Convention of 1861 :

They are men who have once been trusted and thoroughly tried, and their fidelity and capacity to manage the Government have been tested also. They were allowed to rule the country long; that is, their associates at the South ruled it, and they were content to be the pedal attachment, and that rule has culminated in a rebellion which has drenched the land with blood and covered it with mourning.

A wail from the battle-field and from the homes which death has entered comes up to us to remember the men who connived for years at incipient treason, and are now in their harangues and public journals heaping indecent abuse upon the Government which has been striving to repair the ruin they might have averted.

These managers are seeking to inflame evil passions and to lash into fury all the elements of public discontent. Their doings demand a scrutiny of their history.

\* \* \* \* \*

When rebellion actually began, what did they do? Many loyal Democrats came nobly out and planted themselves by the side of the country. But those who clung to the party organization, what did they do? A month before Mr. Lincoln was inaugurated, they held a State convention for the Democratic party of the State of New York. It was said, it was to save the country—it was whispered it was to save *the party*. The State Committee called it, and representative men gathered to attend it. Six States had announced their intention to go out of the Union. Treason was rampant in Mr. Buchanan's Cabinet and in every branch of the public service. Conspiracy flaunted in both Houses of Congress. Conspirators peered from behind every pillar, and lurked in every hiding-place. The Catilines were taking their soundings to see how far it would be safe to wade into the red sea of revolution. A plan was discovered to seize Washington and to proclaim a revolutionary government from the steps of the capitol. Dismay was everywhere, when the representatives of the once proud Democracy of the Empire State assembled to cast their weight into the trembling balance.

\* \* \* \* \*

They applauded to the echo the very blasphemy of treason, but they attempted, by points of order, to silence DeWitt Clinton's son because he dared to raise his voice for the Constitution of his country and to call Rebellion by its proper name. Sept 26, 1861

Lest all this may sound incredible, I refer to the pamphlet proceedings of the Convention. It comes from the Democratic mint and bears the stamp of "Comstock & Cassidy." That makes it as genuine as if it had the private mark of Peter Cagger. There is as much disloyalty in it as there was in André's boot.

\* \* \* \* \*

[Here Mr. Conkling read a portion of a speech at the Albany Convention.]

One month after the Democratic party had thus exhibited its sense of duty, Mr. Lincoln succeeded to a Government which had been robbed, betrayed and prostrated by Mr. Buchanan's administration, and condemned at the bloody assizes of the Democratic party. Did he make war on Democrats or do anything to provoke their hostility? On the contrary, he sacrificed all but his duty to conciliate and disarm opposition.

\*       \*       \*       \*       \*       \*       \*

Again this year these same agitators have held a State convention. They needed an endorser of established credit, and they got Fernando Wood—Fernando Wood, who, after the Rebellion had actually begun, regretted that he could not send arms to the South, and telegraphed to Georgia the sorrow he felt, as Mayor of New York, that muskets should have been seized by the police of that city while on their way South to be used for the slaughter of Union men. Here is his dispatch :

NEW YORK, January 24, 1861.

Hon. ROBERT TOOMBS, Milledgeville, Ga. :

In reply to your dispatch, *I regret to say* that arms intended for and consigned to the State of Georgia have been seized by the police of this State, but that the city of New York is in no way responsible for the outrage.

*As mayor I have no authority over the police. If I had the power I should summarily punish the authors of this* ILLEGAL AND UNJUSTIFIABLE SEIZURE *of private property.*

FERNANDO WOOD.

Where in the doings which Fernando Wood endorses is the patriotism, where is the hearty, manly love of country and detestation of its destroyers? The proceedings of the Convention, and the proclamation of the rebel Gen. Lee in Maryland, appeared in the papers of the same day, and if the headings had not been different the whole thing would have read well together as parts of the same indictment against the Government and its supporters.

\*       \*       \*       \*       \*       \*       \*

The President's proclamation of liberty to slaves offers strong inducements to every Southern district which can get up even the form of a Congressional election to do so, and there is no knowing the number of half loyal localities from which seats will be

claimed. If a majority of one can be obtained for the opposition, an opposition Speaker will be chosen, and he will appoint an opposition Committee of Ways and Means, and your Government will be prostrate at the feet of that Committee. You are aware that the Constitution requires all appropriations of money, and consequently of men, to originate in the House of Representatives and not in the Senate, and the Committee of Ways and Means is the source from which the Government must receive its sinews of war, or not receive them at all.

So far as regards a speedy and vigorous termination of the effort to quell the Rebellion, you might as well wheel up a cannon and blow the Administration to atoms as to emasculate it by allowing its opponents to obtain a majority in Congress. All this is seen and felt. It was very frankly confessed the other day at the "side show" of the Democratic Convention. You know some of the tenders of that concern went to Troy and held a supplemental convention; they held it as wolves in sheep's clothing, under the name of a "Union" convention, and they called Mr. Noxon to preside. On taking the chair, he said: "We have had enough of this war; blood enough has been spilt; the country has suffered enough, and we have an abundance of expenses. *Let us stop this war. We shall not get rid of it unless we have a change in our members of Congress.*"

\*       \*       \*       \*       \*       \*

For one, I am for the Union and the Government unconditionally, come what may. I would rather see rebel cities smoke, I would rather see New Orleans the bed of a lake where fishes would swim, I would rather see the seats of treason unpeopled from the Potomac to the Gulf, than that one star should be blotted from the flag of our fathers, or one stripe torn from its azure folds.

But men in Congress have been neglecting their duties to talk about negroes, we are told.

The speaker concluded as follows :

Mr. Chairman, if I may be pardoned for alluding to the humble part I have acted in these scenes, I will make a single statement. *During my service in Congress I never, by word or by act,*

*have introduced the subject of the negro or of slavery, never save once, and that was when I offered a resolution, which the President drew with his own hand and recommended Congress to adopt.* I presented it without one word or syllable for or against it, and moved that a quiet, silent vote be taken on it by yeas and nays. It was an old subject, familiar to all, and I believed discussion would only stir bad blood. But see the result ! The motion for the previous question was angrily opposed, but not by Republicans ; divisions were called for and debate insisted on. Every Democrat in the House voted for discussion ; they succeeded in opening debate, and plunged into violent declamation, which continued for two or three days, with more bitterness than has been seen in the House since the fire-eaters left it.

\* \* \* \* \*

Fellow-citizens, the success of the war is staked on the ballot-box. Our brothers in the field are bravely doing their duty—see to it that those at home do theirs. The Administration party in the county and State have lost largely by enlistments ; the great majority of those who have gone are the supporters of the President, and our opponents are calculating largely on this advantage at the polls. To be safe we must see that every vote is in the box. If you are confident of an easy majority in this county, work just as hard as if it was in danger. We need emphatic majorities, and besides, a vote in this county helps the State ticket as much as if cast in a locality where the majority is doubtful. If we do our duty all will be well ; if we fail in our political duty now, it will be a blunder and a crime.

This was a memorable canvass for Roscoe Conkling. His opponent, Francis Kernan, was, excepting Horatio Seymour (who was about to be elected Governor), the strongest candidate that the Democrats could have nominated. It was a hard fight for Mr. Conkling, for he had to contend against enemies in the Republican party. Through

the machinations of a renegade Republican and his gang—a man who, while a Whig, Mr. Conkling had warmly supported—it seemed impossible for him to win. This adversary threw obstacles in the way of the Welsh population, an important element in Oneida County, and who were chiefly Republicans, which prevented the casting of a full vote. Mr. Conkling afterward estimated that he thus lost nearly 300 votes. Moreover, a draft for 300,000 men had been ordered in August, and many of his friends had gone to the front, while the Democrats stayed at home to support their party, believing that

“Peace hath her victories  
No less renowned than war.”

Thus, facing fearful odds, with many of his friends absent as soldiers from the district, Mr. Conkling made a spirited canvass and fought with credit to himself.\*

Unfortunately for the Republicans a reaction against the conduct of the war had arisen, and both Secretary Stanton and Congress were attacked.

The election occurred November 4. The State of New York, which in 1860 had elected a Union ticket by a majority of 50,000, went Democratic,

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\* In the ensuing year a statute was passed allowing soldiers to vote in the field by making oath as to their choice before a commissioned officer, then sealing the ticket in an envelope and forwarding it to the district in which the elector resided. This law stood the Republicans of New York in good stead in 1864, when President Lincoln and Mr. Conkling were re-elected.



and chose Horatio Seymour for Governor by, 10,752, over General James S. Wadsworth, the Republican candidate. In Oneida County the majority for the Republican Governor was reduced to 481, General Wadsworth receiving but 10,143 votes.

The total vote for member of Congress was 19,788, of which Francis Kernan received 9,943, and Roscoe Conkling, 9,845; the latter thus being defeated by *ninety-eight* votes.

It should be stated that Mr. Kernan had pledged himself to support all constitutional measures for the prevention of the civil war.

The third session of the Thirty-seventh Congress began December 1, 1862, and the same day Roscoe Conkling offered a resolution to place gunboats upon Lake Ontario, and the other great lakes, which was promptly adopted without a division.

On the fifteenth of December resolutions endorsing the President and the policy of emancipation were offered. After some opposition they were adopted by a vote of seventy-eight yeas to fifty-one nays. The Messrs. Conkling, of course, voted *yea*.

On January 7, 1863, the bankruptcy bill was read *in extenso*. Roscoe Conkling at once obtained the floor and spoke at some length, giving

a history of the subject both at home and abroad. The following is a brief extract from his remarks :

In turning to the practices of other nations, we find that we are the only Commercial State, I believe the only one in Christendom, without a system of bankruptcy. \* \* \* The resources of the nation should be invigorated and unlocked, even though individuals may be the losers. \* \* \* Whenever a system of bankruptcy is inaugurated—and there must be a beginning—it must be undertaken with a certain knowledge that in the shoal of men who rush for relief there will be a large percentage destitute of merit. This is inevitable, but I deny that the percentage will be larger now than at any other time. On the contrary, I think, if it were worth while, reasons could be given for the belief that it would be less than it might be hereafter.

On January 20 and February 3 the bankrupt law was again brought up, but after brief discussion it was laid on the table.

On February 20 Mr. Conkling voted against a bill “to provide a national currency, secured by pledge of United States stocks, and to provide for the circulation and redemption thereof.”

On the twenty-sixth day of February, 1863, regarding the bill to increase the number of general officers, he said :

\* \* \* \* \*

One of my chief sources of satisfaction since I have had the honor of a seat upon this floor has been voting persistently against every measure unnecessarily creating a new office, raising a salary, or devoting to any use a penny of the public which I thought could be spared. If I believed this measure unnecessary or unavoidable, I should be against it.

\* \* \* \* \*

Mr. Chairman, I do not often differ with my colleague, but I

differ now as to the willingness he avows to vote for a bill restricting transactions in gold, if the Secretary of the Treasury should recommend it. I would not vote for such a bill. \* \* \* I think it would be an idle attempt to defy the teachings of all history. See what it is proposed to do. In the first place we issue paper money. Then we provide that everybody shall take it at par. Then we provide that there shall be no other money; this is done by the bank bill, and is to be done by the tax on the circulation, which attempts are making to force through. Now the proposition is to forbid the use of gold and silver, and we are told in new-fangled, mystifying phrases that the coin has become "*demonetized*," that it is not "*mobilized*," and new terms are poured upon us to throw dust into our eyes.

Mr. Vallandigham: Gold-dust. (Laughter.)

Mr. Roscoe Conkling: No, sir, no dust of that kind; any kind but that. Gold, we are told, has become a "*commodity*," not money, and therefore must be tabooed; we must prohibit transactions in it to keep paper up; that is the same farce that has been repeatedly played in history.

A Member: Transactions on time?

Mr. Roscoe Conkling: I do not care whether on time or on eternity. (Laughter.) It is just what our forefathers did in the time of Continental money. First they issued paper money. Then they said that everybody should take it. Then that everybody should take it at par. Finally they took the same step we are about to take, in the same false logic that controls us now. \* \* \* And what became of it? It sank so low \* \* \* that it was not worth a shilling a peck, despite all their enactments.

\* \* \* \* \*

Mr. White, of Indiana: Does the gentleman recollect how long the laws of Lycurgus substituting iron money for gold had effect?

Mr. Roscoe Conkling: Lycurgus was an early friend of mine, but much my senior. He was always reserved with me about his money matters (laughter), and therefore I do not know as much about his currency as I wish I did. The chairman of the Committee of Ways and Means says he knows the Lycurgus alluded to and that he lives in Missouri. (Laughter.) I had reference to another man.

Roscoe Conkling was a staunch supporter of Abraham Lincoln. In the autumn of 1862 the President had received a check at the polls, not only in the Empire State, but in various parts of the North. Mr. Conkling believed that the successful termination of the war could be achieved only through the re-election of Mr. Lincoln.

1863-1865.

## CHAPTER XII.

HE RESUMES LAW PRACTICE—PATRIOTIC MEETINGS—  
ADDRESSES—HIS RENOMINATION AND ELECTION.

MR. CONKLING'S second term in Congress having expired March 4, 1863, he returned to Utica and soon resumed the practice of his profession. On leaving Washington he spent a few days in the city of New York. He received an invitation signed by Mayor Opdyke and many leading citizens asking him to name a day when a complimentary dinner could be tendered to him. In reply he suggested "to-morrow as a convenient time" (March 12), and accordingly the banquet took place at Delmonico's. When the cloth was removed, the Mayor, who presided, made a brief address, to which Mr. Conkling responded. He began with some humorous remarks and then spoke in a patriotic strain. The several toasts were replied to by the Hon. David Dudley Field, General John Cochrane, Mr. John Jay and others.

On March 20 a meeting of the National Loyal League was held at the Cooper Institute in New

York. Mr. Conkling was one of the four speakers, and we give below a short extract from his remarks :

\* \* \* You come as the heirs of a priceless and imperilled birthright, the defenders of an endangered nationality. \* \* \*

You come as the guardians of a mild and nurturing Government assailed by parricides and assassins, and your mission here is not to recast political parties, but to embalm in the hearts of your countrymen those institutions of equality and freedom in which the freest and best elements of existing systems are blended with the revelations and experience of buried centuries and epochs.

Eighty years ago our fathers braved, for seven years, the greatest power on earth and endured all the hardships and pangs of civilized war, with the added horrors of the tomahawk and scalping-knife. They were sustained by an unfaltering purpose. What was it? It was to plant the tree of constitutional liberty for all.

\* \* \* \* \*

Why should there be, how can there be, any difference now between those who are honestly for God and their country? "Why," says one, "there are acts of the Administration that I cannot approve of." \* \* \* I advocated the election of Mr. Lincoln to the Presidency. I voted for him, and, as the representative in Congress of a proud and loyal constituency, I have always endeavored to sustain and uphold his Administration. I have confidence in him, and yet there are a great many things which the Administration has done that I do not approve of. But is that any reason why I should not stand by it and hold up its hands even to the uttermost? ["No, No."] Why, if you think you have a poor administration, so much the more it is your duty to help it along. \* \* \* If you cannot sustain Mr. Lincoln for any other reason, sustain him because he is President. Go for the crown, if it hangs on a bush.

On the twelfth of April, 1863, which was the Sumter anniversary, the National Loyal League



again held a mass meeting on Union Square, New York. Among others, Mr. Conkling made a stirring speech, which was well received by the thousands of hearers. At Mechanics' Hall, Utica, Mr. Conkling, on May 26, spoke a third time at the *Convention* of the Loyal Leagues, to which delegates from every county in the State were invited to attend. New York was divided into eight districts, and Roscoe Conkling was one of the two members from the fifth district upon the Committee on Address and Resolutions.

In his speech he discussed the recent arrest of his former Congressional associate, Clement L. Vallandigham, of Ohio, charged with publicly counselling resistance to the laws. Vallandigham was tried and convicted. He then applied to a Democratic judge, who issued a writ of *habeas corpus*; but upon its return a judgment was rendered which held that he had been properly arrested, and that the case was one in which the judicial power ought not to interfere. This decision excited the "Copperheads" of the city of New York, and led to indignation meetings.

Referring to these latter proceedings Mr. Conkling said :

The whole swarm of sharks and pestilent beings—men who, long before anybody had been arbitrarily arrested; men who, long before one single act had occurred, except the issue by the Presi-

dent of his proclamation in which he called for seventy-five thousand men to preserve from instant extinction your nationality, the very symbols, archives and vestiges of it—when the President had done only that, these men reared their heads in base denunciation. The whole swarm cries out “Treason!” and indignation meetings are held—indignation meetings which, when they were opened, required word to be sent to the officers of our brave volunteers to keep them away, lest their indignation should terminate the proceedings. The same men who will not let the soldiers vote [Applause] justify the Executive of the State in sending to the Senate a message or a political diatribe, which I believe he had no right to send, because no document had been sent him to sign; but upon his own deliberation he stalks into the Senate with a threat that he will veto their action if they take a certain course. I say it was an act which no House of Commons in England would have submitted to from that which cut off Charles’s head. [Applause.] But these men, I say, who want to exclude the soldiers from voting; who send to officers of regiments to prevent soldiers coming to their meetings; those whose pride it ought to be, every day and every night, to reward the heroic ones for their services in the field [Applause]; the men, who are still outraging public sentiment and trampling upon the rights of the most patriotic ones in the community, have assembled and stand forth bravely as the elected champions of free speech. Who are these men who are so anxious about the God-given right of free speech? Men have taken part in these indignation meetings, who, I will say—and I will prove it—men have taken part in these meetings, making speeches, and sending messages to arouse the worst passions of the populace, who, within two years and a half, have met secretly, clandestinely, and at night, to arrange to mob a woman because she sought, in a hall which she hired herself, to talk to a few old maids about free speech. But, my fellow-citizens, it is one of the characteristics of this unholy rebellion that you and I are compelled to sit down meekly as disciples of free speech at the feet of those who have for thirty years trampled upon every element of that right. [Applause.] No matter, I did not mean to multiply so many words about that. [“Go on!”] Now I am entirely of opinion—as much so as any gentleman in this room—

that we ought not to be induced, even to seem—not even to seem, for I would have not only the *esse* but the *videri* of the thing—not to seem to give one single inch to the rant and fustian and clamor of these men. They wanted to pick a flaw and have taken this step to do it. They would array popular passion and prejudice against this Administration, and have seized upon this thing in order to do it. I know they are hypocrites and they know they are.

Mr. Conkling now gave himself up to the practice of his long-neglected profession. We have seen that before going to Congress he was one of the ablest advocates in Central New York; that he was a “cause getting” lawyer before a jury; and that when he was retained in a case, the most eminent counselors of the Oneida and Herkimer Circuits were engaged to oppose him.

In 1862 he had dissolved partnership with Montgomery H. Throop, and in the same year he asked Robert Earl, of Herkimer, to become his associate. Mr. Earl accepted the proposal, but owing to ill-health was obliged to withdraw.

Hence Mr. Conkling remained alone in practice for some eight years. As to his ability as a lawyer, the following letter from his former partner may interest the reader.

302 STATE STREET, ALBANY, May 27, 1889.

*My Dear Sir* : I never heard either Daniel Webster or Rufus Choate; I have often heard Joshua A. Spencer, and \* \* \* I have often sat through trials conducted by him. I think that Mr. Conkling was a much stronger *trial* lawyer than Mr. Spencer.

I purposely use the word "trial" instead of "jury," because Mr. Conkling was not only unexcelled in presenting his cause to a jury, but he had a quickness and readiness of resources in all the emergencies of a trial, however sudden and unexpected, which it is no exaggeration to characterize as wonderful. It mattered not what unexpected and adverse circumstance occurred—unforeseen testimony from his opponent, the breaking down of his own witness, a hostile intimation from the judge or a juror, or the like—he was always quick and ready to meet it; always "fell upon his feet," and either parried it or, not unfrequently, turned it to his own benefit.

\*           \*           \*           \*           \*           \*           \*

But as a trial lawyer, as respects either the examination and cross-examination of witnesses, the summing up of the cause to the jury, and the general management of a trial, I never saw his equal, or any approach to his equal, for readiness, fertility of resources, quickness of apprehension, tact, perseverance, persuasiveness, brilliant eloquence, and every other quality which enables a man to *shine* on such an occasion. And I, who say this, was, during the years I was with him, better qualified than any other person to judge upon such points, for I always knew, what his skill concealed from others, where the weak point was.

Yours very truly,

MONTGOMERY H. THROOP.

A. R. CONKLING, Esq.

In consequence of this facility, and in fact genius, in cross-examination and in addressing juries, which he shared with his old preceptor, Joshua A. Spencer, he often said to a legal brother, "My proper place is to be before twelve men in the box." His thorough preparation of the law of both sides of a case generally gave him an advantage over his opponents, and he almost always had something in reserve, which he brought

out at the proper time. He could do and say the right thing at the right moment, and thus was never "cornered" in court.

This genius for cross-examination in the face of public opinion and serious obstacles was never better shown than in the Budge murder trial, and in the court-martial of Major Haddock, which will be fully described on succeeding pages.

His shrewdness and courage in the presence of a hostile and impatient judge were well displayed in the defence of one Evans, who was indicted for arson in Lewis County. At the trial it was proved that the prisoner had been tracked in the snow for the distance of eight miles. Concerning the shape of his boots there was some doubt in the mind of the witnesses for the people. Finally Mr. Conkling cross-examined the maker of the boots in question. He testified that the heels were small and pointed. The counsel for the accused repeated his question (as was his habit when he believed the witness was mistaken) and said, "Are you sure that the boots were of such a shape?" Here the Judge (LeRoy Morgan) interrupted and said, "Mr. Conkling, we've had enough of this." Thereupon the latter replied, "Will the clerk please enter what the court has just stated?" The record was made and read to the Judge, who did not suspect the aim of the counsel. Now it so happened

that the boots were not mated, and that one heel was big and the other small and sharp.

When the Judge was charging the jury, and reference was made to the character of the footprints in the snow, Mr. Conkling interposed, reminding his Honor that he had not permitted him to proceed on cross-examination and bring out the facts. This incident ended the case, and the court directed an acquittal. There is reason to believe that if the District-Attorney had known what Mr. Conkling's point was, the prisoner would have been convicted.

The next important case in which Mr. Conkling engaged was that of Charles E. Hopson, who, in July, 1863, was arrested as a deserter by the provost-marshal of the Oneida Congressional district.

Mr. Conkling, being authorized to appear for the Government, made an elaborate opening argument. He was followed by the Hon. Francis Kernan for the prisoner. In reply to the points raised by Mr. Kernan, he argued at some length. The case involved a conflict between the national and State tribunals, and required serious examination. On August 25 Judge Bacon rendered an opinion to the effect that "the order for an attachment is vacated, the writ of *habeas corpus* is discharged, and the prisoner is to remain in the custody of the provost-marshal to be dealt with according to law."



An appeal from this decision was taken to the General Term of the Supreme Court, but upon the questions involved these judges were equally divided, and hence there was no authoritative statement of the law in this case. It is found in Barbour's reports. Although Mr. Conkling's argument is interesting to lawyers, it is too long to print, and an extract would be unsatisfactory ; suffice it to say that it is a most complete vindication of the course taken by the Government in regard to deserters. Referring to the victory of Roscoe Conkling, Judge Bacon, in a recent letter to the author, says: \* \* \* "The ability with which Mr. Conkling argued the question entirely changed my original impression, and deserves commemoration."

Four days after the argument, but, of course, before the decision, Mr. Conkling wrote the following letter. It shows his constant watch for the welfare of the Government.

UTICA, August 11, 1863.

*Sir :* Referring to your dispatch and letter, which I acknowledged at the time by mail, I have the honor to inform you that the case of Hopson, an alleged deserter, has been very fully argued, and, it is hoped, with favorable effect. Judge Bacon is preparing an opinion which, I think, will reverse his original decision and be very satisfactory to the Government.

\* \* \* \* \*

I take leave to say, and I will thank you to show this to Mr. Stanton, that I am persuaded the draft should take place in this

district at the earliest day for which it can be arranged. Throughout the State each day of delay not absolutely necessary is hurtful in many ways.

I have the honor to be, your obedient servant,

ROSCOE CONKLING.

The PROVOST-MARSHAL GENERAL, Washington, D. C.

In September he again appeared for the Government in two *habeas corpus* cases arising under the draft. The arguments were heard by the Hon. Nathan K. Hall (the successor of Judge Conkling) in the United States District Court.

During the autumn it does not appear that Mr. Conkling took an active part in politics. On November 3 the election was held and the State ticket of the Republican party was chosen.

In 1864 Roscoe Conkling, while holding no official position, was vigilant of the interests and comfort of the soldiers, as shown by his letters on file in the War Department.

On the twenty-sixth of February, 1864, a mass convention of prominent Union men of Oneida County assembled at Rome. Mr. Conkling was one of a committee of eight appointed to draft and report resolutions. The Convention adopted six resolutions, which endorsed warmly the course of President Lincoln and recommended his re-nomination by the coming National Convention.

The attitude of the Union men of Oneida, and especially of Mr. Conkling, is interesting in view

of the opposition to Lincoln among disaffected Republicans, which afterward manifested itself in the call for an independent convention at Cleveland, Ohio,\* just before the regular Republican National Convention of Baltimore. Sentimental, self-styled leaders in the party had raised the cry of "Anything-to-beat-Lincoln!" but, fortunately for the welfare of the Union, this opposition soon collapsed, for at the Baltimore Convention June 7 the liberator of four million men was nominated by acclamation after Missouri had cast her twenty-two votes for Grant.

During the summer some dissatisfied Republicans opposed the renomination of Mr. Conkling. His intimate friend, the Hon. Ward Hunt, wrote to the President and received the following reply :

EXECUTIVE MANSION, }  
WASHINGTON, Aug. 16, 1864. }

Hon. WARD HUNT :

*My Dear Sir :* Yours of the 9th inst. was duly received, and submitted to Secretary Seward. He makes a response, which I herewith enclose to you. I add for myself that I am for the regular nominee in all cases, and that no one could be more satisfactory to me as the nominee in that district than Mr. Conkling. I do not mean to say there are not others as good as he in the district, but I think I know him to be at least good enough.

Yours truly,

A. LINCOLN.

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\* Here Generals John C. Frémont and John Cochrane, of New York, were nominated.

Republican sentimentalists were trying to induce Lincoln to withdraw, for they entertained the delusion that he could not be re-elected. In reply to the call for a new convention, Mr. Conkling wrote the following letters to John Austin Stevens, Jr. :

UTICA, August 24, 1864.

*My Dear Sir:* Yours of yesterday is at hand with its enclosure.

I do not approve of the call or of the movement, and cannot sign it; for that reason, of course, I cannot present it to others to sign.

This being my position, it would not be proper nor agreeable to others that I should be present at the conference you speak of, so I must deny myself the pleasure of meeting gentlemen for whom personally I have the highest regard.

Can you be right in saying that the private conversation of gentlemen was telegraphed to Washington?

Will you be kind enough to tell me particularly what there is of this—what was telegraphed? and what proof have you of it?

I have a special reason for wanting to know, and shall be obliged to you if you will take the trouble to give me particulars.

Your friend and servant,

R. CONKLING.

JOHN AUSTIN STEVENS, JR., Esqr.

UTICA, August 28, 1864.

*My Dear Sir:* I have the pleasure to acknowledge yours of day before yesterday.

I can hardly comprehend, or even credit, on any supposition, how all you say can have taken place. But you seem to have proof enough to show the danger of doing anything in these times except minding one's own business.

You may rely on the "call" never making its public appearance through me, but I want to say now, while it is yet in season, to prophesy that the whole thing will be out, not in one place, but all over, presently, and I don't know why it is not now.

Several days ago a gentleman here mentioned to me that he had received a call (it was the same you sent to me) from a person in your city, with whom he had no special relationship, politically or otherwise, with a request to obtain signatures. So much for so much.

*You can all consult your convenience and ease in the prosecution of what you propose, I think, for we are dropping down-stream with a rapidity which will make your landing, whether you paddle or not.*

Your friend,

ROSCOE CONKLING.

On the day after Roscoe Conkling wrote the above letter, his brother Frederick, who was the colonel of the Eighty-fourth New York Volunteers—a regiment raised at his own expense—received the following interesting order from Secretary Stanton:

WAR DEPARTMENT,  
WASHINGTON CITY, August 29, 1864. }

*Col. Conkling, Eighty-fourth Regiment, New York:*

COLONEL: This Department has been informed that a rebel officer is harbored or concealed at or near The Pines, near Seneca; that a gang of horse thieves are encamped or resort near there; that a large contraband trade is carried on, and persons are engaged in the manufacture of rebel uniforms, and other disloyal practices. You are directed to use the utmost efforts to arrest the officer, seize, try and execute all marauders and horse thieves, and seize, try and execute all persons engaged in contraband trade or giving aid to the rebels.

Yours, &c.,

EDWIN M. STANTON, *Secretary of War.*

The Democratic National Convention met at Chicago on the same day (August 29), and, upon a platform which declared “the war a failure,”

nominated General George B. McClellan for President and George H. Pendleton for Vice-President.

Mr. Conkling was renominated for Congress by a convention held at Rome, September 22, 1864; and he asked to be allowed to decline the nomination in a speech in which he said :

I cannot conceal nor can I express the gratification your cordiality awakens. The nomination you have bestowed and the warmth with which you greet me add another to unnumbered acts of generosity and kindness received at the hands of my neighbors.

For months past friends have constantly brought me flattering and urgent assurances that the Union people of the district desired me again to represent them, and I cannot deny that these assurances, followed by a spontaneous nomination, have given me much satisfaction. \* \* \* Your nomination is equivalent to an election. If there has ever been any doubt of this district, it has vanished before Sherman and Hancock and Farragut and Grant and Phil Sheridan, and the glorious soldiers with them, who are just now "interfering in elections" and sending dismay into that party whose only chance of triumph must come out of defeat of the Union arms.

You have therefore only to nominate a man true to the cause and fit for the place, and above all suspicion of venality, and his election is secure. There is no lack of such candidates; there are names at your command which will abundantly satisfy all Union men and reflect credit upon the district.

*I therefore beg the Convention to allow me to decline the nomination, to retain my place in the ranks, where I will do any duty you may lay upon me, now and in the future.* My interest and inclination are so much averse to a continuance in political life that you must allow me to retire.

In conclusion, allow me to assure you that I shall ever gratefully cherish you and the people of Oneida County as over-indulgent friends.



The only portion of Mr. Conkling's remarks which were not received with favor was that announcing his declination. C. T. Pooler, of Marshall, immediately rose and moved that his nomination be reaffirmed by acclamation. The motion was unanimously carried, with applause from all parts of the house.

It is due to Mr. Conkling to say that in addition to his renomination by the Convention after he had declined, delegates and others gathered around him and insisted that he should be their candidate.

Six days after his nomination Mr. Conkling spoke in support of President Lincoln at Devereux Hall in the town of Oneida. He denounced the Rebellion, advocated a continuance of the war, and declared the great importance of the then impending election, *saying that the life of the nation and the existence of free institutions depended on the re-election of Abraham Lincoln.* He held that with the re-election of Mr. Lincoln the Rebellion would be overcome, and contended that "a cessation of hostilities," which was the key-note of the Democratic campaign of that year, was nothing else than a lure with which to trick and cheat the nation into a recognition of the Confederacy.

Mr. Conkling's prestige as a local leader was not injured by his defeat in 1862. With advancing years his temperament changed slightly. The

exactions of legal life, and, to some extent, the needs of his political experience, apparently estranged him from the masses, although he was naturally one of the most approachable of men. His opportunities as an advocate were constantly enlarged, but political leadership was thrust upon him, and he soon became the legatee of William H. Seward. This was, perhaps, assured by his steadfast support of Lincoln.

In this campaign (1864) Mr. Conkling's chances of election were greatly aided by the valuable support of the New York newspapers that were identified with the Union cause. Enthusiastic and whole-hearted appeals to the people of the Oneida district appeared in their editorial columns, representing him to be "undeniably one of the ablest and most devotedly loyal men in the State, fearless and eloquent, possessing experience, and a staunch supporter of Mr. Lincoln's administration." Among the newspapers extending their aid were the New York *Tribune*, then edited by Horace Greeley; the New York *Times*, edited by Henry J. Raymond; and the New York *Evening Post*, directed by the veteran William Cullen Bryant.

The religious press of the State, speaking through the New York *Independent*, advocated in the same editorial article the election of Roscoe Conkling in Oneida County, and George William Curtis on

Staten Island. Both of them, it will be remembered, afterward appeared at the Rochester State Convention of the year 1877 where Mr. Conkling criticised Mr. Curtis for his political course.

The following letters were addressed to John Austin Stevens, of New York:

UTICA, Oct. 8, 1864.

*My Dear Sir :* I have a stiff fight for Congress in this district with three or four men, in our ranks ostensibly, who two years ago cost Gen. Wadsworth and myself many votes in this district—about 250 or 300. The operation is again to be attempted, and I want, as far as I can properly have it, the aid and sympathy of our leading friends and journals. The *Evening Post* had a most friendly and handsome paragraph the other day, which was of service.

Knowing your intimate and influential relationship with the *Post*, and elsewhere all around you, I venture to ask you to look over the "Record" I enclose, that you may see what sort of competitor I have, &c., &c., and to ask you further that you give me any aid you can by press or suggestion.

"The home of Seymour" is a place in which we need all the help we can get at best, and now the operation which the opposition have started to get and use money makes it especially needful to have the sympathy of our leading friends.

If this will trouble you, dismiss it ; but if not, I shall be very greatly indebted if you will give me a lift.

Your friend,

ROSCOE CONKLING.

UTICA, Oct. 10, 1864.

*My Dear Sir :* I have your two notes. Suffice it now to say, in the haste of this moment—I thank you.

The *Tribune* needs no urging.

I trust I may yet be able to show you how thoroughly I appreciate your good-will.

Your friend,

R. CONKLING.

The *Daily Wisconsin*, of Milwaukee, in the edition of Friday, October 21, 1864, paid Roscoe Conkling the following compliment :

\*       \*       \*       \*       \*       \*       \*

On the great question of the issue of "legal-tender" Treasury notes, Mr. Conkling proved himself to be a statesman of the first class. We cordially hope that the people of Oneida will re-elect this gifted man to Congress by an overwhelming majority. At the present crisis such men are needed in public trusts.

The same article referred to the fact that he had repeatedly told the President that the federal troops could not succeed in Virginia while General McClellan was in command.

During the autumn Mr. Conkling frankly said to his brother-in-law (Horatio Seymour), "Governor, you'll be defeated and I'll be elected." For several weeks he devoted his untiring energy as an organizer and orator to the cause of the *Union* ticket, for, as is stated in another part of this volume, he was not tenacious of the word "Republican." The reader will remember that the County Convention which nominated Mr. Conkling bore the name *Union*.

At the election in November, he was successful by a majority of 1,150 votes. His great triumph became apparent early in the evening, and in response to impatient and repeated calls, he soon made his appearance on the platform of Concert Hall (where Republicans were receiving the

returns) amidst a tornado of welcoming applause. He entertained his audience in his happiest style for nearly two hours.

At length the special train from Boonville arrived, bringing returns which showed in that town 735 majority for Conkling. Cheers and hand - shakings followed, while cannon boomed outside and bonfires blazed.

An active politician in Utica tells the author that in the autumnal election of 1864 Roscoe Conkling received nearly one-third of the Democratic vote of the county. It is strange that while he was always one of the fiercest and most unsparing assailants of the Democratic party, many of his most profound admirers were the Democrats of Oneida.

After his promotion to the Senate it was often remarked that if the votes of his Democratic townsmen could have made Mr. Conkling President of the United States he would have reached that distinction.

Mr. Conkling's next conspicuous appearance in public was in the libel suit of Sawyer *versus* Van Wyck.

This is one of the series of cases to which we referred on page 121, and which would be given to illustrate the assimilating power of Mr. Conkling's mind. It was the first case of the kind that

came to him, and, so far as we know, his first libel suit. After his resumption of legal practice in the city of New York, he defended libel cases against the New York *World* successfully; and these will be described in the latter part of this volume. The plaintiff in the suit of Sawyer *vs.* Van Wyck was a clergyman and a critic of the Bible. He had just written a book entitled *Reconstruction of Biblical Theories; or, Biblical Science Improved*.

The defendant was the proprietor of the *Christian Intelligencer*, which was published in the city of New York. In March, 1863, he printed a brief but unfavorable review of the work, and recommended "that the author go, without delay, to Natal, and assist the bewildered bishop of that enlightened colony, or else remove to England and take orders in the Established Church." Accordingly the Rev. Mr. Sawyer sued the newspaper for libel, and the case was tried in February, 1864, when the jury failed to agree. The Hon. Gerrit Smith appeared for the plaintiff. One year later the suit was again brought to trial before the Hon. Joseph Mullin in the city of Utica. The point at issue was whether a man who denied the inspiration of the Scriptures and of their vital doctrines was libelled if called an infidel.

Roscoe Conkling defended Mr. Van Wyck,



The charge of the judge was favorable to the defendant, and the jury, being out less than ten minutes, returned with the verdict "no cause for action."

It is worthy of remark that Mr. Conkling's services were virtually gratuitous. His argument was published, together with a complimentary editorial, in the *Christian Intelligencer* of March 2, 1865, from which we give an extract :

*May it please the Court,*

*Gentlemen of the jury:* The apparent parties to this controversy are but two individuals. The one seeks the other's money ; and the immediate question is whether he shall have it or no. In this view the case is like all others between man and man. But, in a graver sense, it is one case picked out of ten thousand. Indeed, if its like ever came into court before, it has left no trace in the records of the law.

The counsel for the plaintiff says it involves the right to speak the truth. It does involve that right as now enjoyed by every man and woman in the State. But it involves a great deal more. A verdict for the plaintiff would affirm, not only that the truth may not be published, but that a religious teacher may not warn his own flock against false doctrines and false professors ; that a disciple of the cross may not defend by words the doctrines which his Master died to immortalize and sanctify.

The plaintiff asserts for himself, and no one denies it, the right of complete freedom and belief and disbelief. \* \* \* He holds and publishes dogmas which may be abhorrent to the Christian world and shocking to the sense and consciences of men, and in the eye of human law he is void of offence in doing so. He can be tried before but one earthly tribunal, and that is the bar of public opinion. That temple has till now been open since free government began, but the hinges so long rusted must creak again, and the doors be closed, if this action can stand before an American jury.

The Constitution of the United States, which, despite libel suits and rebellion, still lives as the supreme law of the land, gives the plaintiff a guaranty that he and his descendants and converts shall forever enjoy complete liberty in religious belief, and the right is theirs also to proclaim any doctrines to the world ; but the same Constitution says that the freedom of the press shall never die, and that the defendant may speak as he deserves of every man who thrusts his theories before the public.

The parties take their stands under these conditions. The plaintiff chooses to become a theological pugilist ; he seeks public religious controversy ; he enters the arena of dispute ; he assails sacred things ; he wounds the keenest sensibilities ; he levels his blows at the devout, the inoffensive and the unresisting ; he plants himself upon new positions and challenges all comers ; he gets worsted or he creates less sensation than he expected, and he takes refuge in court and asks damages against a man who has scratched him with a pen—a pen ! the very weapon he himself has wielded to destroy tranquillity, to unsettle faith, to darken hope, to put out that only light which burns unquenched amid the deadly vapors of the tomb.

Here Mr. Conkling analyzed the testimony at great length. Although this case created much popular interest at the time, a full report of his long argument seems undesirable. Having commented upon the evidence, he thus concluded :

Gentlemen, a verdict is asked in this case, not for wounded feelings ; not for any annoyance the plaintiff may have felt at the mention made of him ; not for any injury he has sustained in his personal standing or reputation ; not for diminished sale of any books or publications in which he may be interested ; not for loss of caste as clergyman, or preacher, or even as a business man. All these things are shut out of the case by the allegations and omissions of the complaint.

The sole ground of action is alleged damage to the reputation of the plaintiff as a Biblical author. No malice is proved, but all

malice is disproved ; therefore smart-money cannot be asked, but only strict compensation. I have endeavored to show you that he is just such a Biblical author as the *Christian Intelligencer* pronounced him.

If he is, the defendant would not have been liable even had his paper been the means of first assigning the plaintiff his true position before the public. I want now to show you that the notoriety of the plaintiff as an infidel is not due at all to the defendant, or to the libel here complained of, but to very different causes.

Long before the twenty-sixth of March, 1863, the time the libel was published, Mr. Sawyer formally and publicly withdrew from all fellowship with the Presbyterian and Congregational churches. He did not do so, however, until after repeated avowals, not made in confidence or secrecy, to Dr. Fowler and to others, that he had ceased to hold the creed he formerly espoused. Having loosened himself from ecclesiastical ties, he became an exhorter in a secular audience-room in Boston, of assemblages which he styled a "Catholic Congregational Society." This society claimed no relationship to any established church or sect ; it was composed entirely of infidels and backsliders from Christian faith, and the discourses delivered unfolded the sentiments which have been read from *Biblical Science Improved* and from *Mark*, and which you have heard avowed by the plaintiff as a witness. Mr. Sawyer thus became a self-proclaimed apostate from faith to free-thinking.

\* \* \* \* \*

So far did all these eccentricities lend fragrance to the reputation of the plaintiff that, as he tells us, newspapers—not Sunday papers, or orthodox papers, or religious papers, but secular papers—rejected his communications and refused to admit him into their columns ; and this for the reason that they regarded his productions as infidel in character.

An attempt was made to show that the New York *Independent* printed his articles nearly as late as March, 1863, but on cross-examination it appeared that, the Rev. Dr. Cuyler having denounced him in the *Independent*, he claimed the right to be heard in reply ; this of course was accorded him, and, save on this occa-

sion, it is years since anything from Mr. Sawyer has been allowed to appear in any paper except the Boston *Investigator*.

Thus it will be seen that, having assumed the character of a skeptic, this gentleman has managed, long before the *Intelligencer* noticed him, to bring himself into the very white of the public eye.

Among the missionaries and other adherents of the Dutch Reformed Church who comprise the readers of the defendant's journal there was no field for the plaintiff, after all this, as a Biblical author, and therefore no substantial harm came to him from the notice he received. If, therefore, the words had not been justified, the damages would have been only nominal, but we were called upon to justify in order to defend against even nominal damages.

Gentlemen, I have done. The case for the defendant is with you, and upon it I ask a verdict which shall shield the rights of all ; which shall assert the freedom of the press ; which shall accord to the plaintiff, and to all of us, absolute liberty in matters of religion ; which shall say to whom it may concern that those who get into fisticuffs about theology, or attempt publicly to pommel religion, must abide by the rules of the ring, and not expectjuries, if they get hurt, to poultice their bruises.

1865.

## CHAPTER XIII.

### THE HADDOCK COURT-MARTIAL.

THE basis of this celebrated trial is found in the following letter from Mr. Conkling to the Hon. Edwin M. Stanton, then Secretary of War, and to the Provost-Marshal General. It seems to have been the first note of warning to the Government, and "the hand-writing on the wall" to the whole army of bounty brokers, with their confederates and coadjutors.

UTICA, N. Y., January 28, 1865.

*Sir*: I have the honor to ask attention to impediments which Major Haddock, A. A. Provost-Marshal General at Elmira, puts in the way of recruiting here, and which have become so great as to baffle the efforts of Supervisors, Provost-Marshal, and all the rest who are trying to forward enlistments.

In the first place, he requires that five-eighths of the local bounty shall be withheld from the volunteer and sent to Elmira to him or a person there designated by him. At Elmira the recruit is paid twenty dollars and the balance is sent to the front, there to be first paid, and the soldier to take the chances of finding an opportunity to send it back here.

This restriction, whether designed for good or not, will not be accepted by the men who want to enlist, nor by Supervisors and

others who raise the money. The soldiers want to have the money for wives and parents, so as to arrange before they start.

In the next place, Major Haddock peremptorily requires the local bounties to be forwarded exclusively in greenbacks or notes of national banks. We cannot get these by any possibility, although we have been and are paying a premium for all we can lay hold of.

These things, with some others, have greatly retarded us in filling our quota, which Major Haddock some weeks ago telegraphed here and wrote was 275, which he has varied twice since, and which turns out to be 1044, after the regulations which we have been put under, and the information we received from Major Haddock, had substantially put an end to the business of recruiting.

I most earnestly ask, writing as I do at the request of committees and other patriotic citizens, that such action may be taken that we shall be allowed a mode of proceeding more practicable and reasonable.

We can get men, and, we think, good men, if we are allowed to.

\*           \*           \*           \*           \*           \*           \*

I have the honor to be, your ob't serv't,

ROSCOE CONKLING.

To the SECRETARY OF WAR and the PROVOST-MARSHAL GENERAL, Washington, D. C.\*

\* That Mr. Conkling took a warm interest in the welfare of the soldiers long previous to this date is shown by the following correspondence :

[Copy.]

UTICA, N. Y., January 9, '64.

*My Dear Sir:* I am sorry to add to your troubles, but the condition of the volunteers from this State who have been sent to Elmira demands immediate attention.

Col. Diven has, I think, done all he could, and I don't write in a spirit of fault-finding toward anyone. But in the present intense weather many men from this county and elsewhere have been kept there for two weeks and upwards *without overcoats, and with no shelter in which there is a fire and which they can occupy during the day.*

They are told to make fires out-doors and warm themselves in that way.

This is the account brought back by those who go and come, and beside the suffering of the men, other most injurious effects flow from it.

Can't there be other rendezvous established in the State? We have accommodations here, and they have elsewhere.



Extensive and pernicious frauds in the recruiting service in the Western Division of New York having become known to the public, as well as to the authorities, detectives were sent from Washington to different places in the Division to watch the proceedings there in the bureau of the Provost-Marshal General. These officers several times visited Utica and called upon Mr. Conkling as one of those to whom they had been directed to disclose their errand, and sought such information as could be given them of places and persons. Their investigations convinced them of a wide-spread system of plunder and unlawful gain emanating from Elmira, or at least receiving sanction there.

The facts which they had gathered, and some discoveries made by Mr. Conkling, proved conclusively that the tax-payers of many districts were

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But I won't suggest ; suffice it to say that the tale that comes from Elmira will not bear repetition. Let something be done quickly.

Your friend, etc., etc.,

R. CONKLING.

Hon. E. M. STANTON.

[Copy.]

WAR DEPARTMENT,  
WASHINGTON CITY, 4:40 P. M., January 13, 1864. }

Hon. ROSCOE CONKLING, Utica, N. Y.

Your letter was received to-day, and was the first intimation that anything was needed at Elmira. I have despatched an officer to correct the evil, and will punish anyone who has been guilty of neglect or misconduct in the premises. I thank you for your kindness in apprising me of the condition of things.

EDWIN M. STANTON,

robbed, recruits and their families swindled, and the military service demoralized and degraded; and this not merely by adventurers and avowed speculators in the public distress, but by those who controlled official action.

Of all these things Mr. Conkling duly informed the authorities. The officers also reported the results of their inquiries, and still further investigations were ordered and made.

Mr. Conkling thus states his first connection with the affair :

\* \* \* Unexpectedly, as I was leaving home to keep a professional engagement in another direction, a telegraphic dispatch was received from the Secretary of War requesting me to come to Washington at once. No intimation was given of the occasion of the summons or of the subject to which it related.

Upon reaching Washington I was for the first time informed that the Acting Assistant Provost-Marshal General at Elmira had been removed, and his successor named, and that he was to be arrested and tried for frauds and corrupt complicities in the administration of his office.

Many papers relating to the matter were submitted to me, and among them a report by an inspector of the regular army, then lately returned from detail to visit Elmira and other places in the Western Division of New York, in which occurs the following extract :

I have the honor to report further that, incident to the inspection of the twenty-first district, facts in relation to the administration of Major Haddock, A. A. P.-M. General for Western Division of New York, were adduced which led me to the conviction that he is unfit for the position he holds. Men of undoubted character charge him with being insolent and abusive in discharging his duties and grossly immoral; that he is in collusion with bounty brokers, and prostitutes his official position to personal ends.

The Secretary of War requested me to act as counsel for the United States in the prosecution contemplated, and to conduct the prosecution of Major Haddock. The suggestion was new entirely, the retainer was not desirable, and could not be acceptable without serious injury to more profitable professional employment. I proposed in my stead, an eminent lawyer known to the Department, and also suggested the question of the selection of any civilian to act as judge-advocate. It was the wish of the Secretary of War, however, that I should execute his request, and I undertook to do so. Directions were given me to reduce to form the charges and specifications against Major Haddock without loss of time, and subsequently the following orders were received.\*

WAR DEPARTMENT, }  
WASHINGTON CITY, April 3, 1865. }

*Sir:* I am instructed by the Secretary of War to authorize you to investigate all cases of fraud in the Provost-Marshall's Department of the Western Division of New York, and all misdemeanors connected with recruiting.

You will from time to time make report to this Department of the progress of your labors, and will apply for any special authority for which you may have occasion. The Judge-Advocate General will be instructed to issue to you an appointment as Special Judge-Advocate for the prosecution of any cases that may be brought before a military tribunal. You will also appear, in behalf of this Department, in any cases that it may be deemed more expedient to bring before the civil tribunals.

Very respectfully, your obedient servant,

C. A. DANA, *Asst. Sec. of War.*

Hon. ROSCOE CONKLING.

WAR DEPARTMENT, }  
WASHINGTON CITY, April 3, 1865. }

The Honorable Roscoe Conkling, having been appointed by the Secretary of War to investigate transactions connected with recruiting in the Western Division of New York, all telegraph companies and operators are respectfully requested to afford him access to any despatches which he may require, for the purpose of detecting frauds and bringing criminals to punishment.

By order of the SECRETARY OF WAR.

C. A. DANA, *Ass't Secretary of War.*

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\* These letters are dated on the same day that the Union troops entered Richmond.

WAR DEPARTMENT, }  
 WASHINGTON CITY, April 3, 1865. }

The Honorable Roscoe Conkling having been appointed by the Secretary of War to investigate transactions connected with recruiting in the Western Division of New York, all Provost-Marshals and other military officers are hereby directed to give him free access to all their official records and correspondence, and to furnish him certified copies of any papers that he may require.

By order of the SECRETARY OF WAR.

C. A. DANA, *Ass't Secretary of War.*

No time was lost in carrying forward the examination, and on the fourteenth of April last the charges and specifications were forwarded to the Department, with a letter, from which the following is an extract :

This place (Utica) or Syracuse would, if designated as the place of trial, be convenient for witnesses, but I fear it might be, or at least might seem, more harsh toward Major Haddock than Elmira or New York City. I suggest, therefore, that as far as the public interest will allow, a place be fixed for the trial where Major Haddock cannot suffer from any local feeling peculiar to that place.

This suggestion was made for the reason that it had been left to me to recommend the place at which the court should convene.

So much for the origin of the accusations against Major Haddock, and so much for the history of my connection with the court.

Until the assembling of this court at Elmira, Major Haddock was a total stranger to me. I had never known him, or even seen him, to my remembrance, nor had I ever had any transaction with him whatever. My sole knowledge of him arose from investigating or observing the modes in which bounty-jumpers and swindlers plied their vocation. My sole feeling towards him arose from the same cause. What that feeling was, and how my attention was turned to the matter in which it arose, will appear in part by the following facts.

In 1864 the tax of Oneida County (the twenty-first district) was one million, seven hundred and four thousand, seven hundred and eleven dollars and thirty-one cents (\$1,704,711.31). This tax was nearly all raised to pay bounty to soldiers. It amounted, in the case of some towns, to nearly twenty-five per cent. of all taxable property. In such instances one-quarter of the substance of

the people, at its assessed value, went in a single year, without a grudge, from open hands, to support the Government and provide for the soldier and his family. Prior to the last call for troops (December 19, 1864), Oneida County had furnished about 7,000 men, and a large part of their bounties had been fraudulently swept away.

\* \* \* \* \*

Saying nothing of 210 credits believed to have been cancelled or withheld by Major Haddock, 783 was the whole number of men demanded under the call of December 19, 1864. Yet the exactions were so managed, and the facts so far in the confidential keeping of bounty brokers, that about 1,200 men were paid for or are to be paid for. 1,148 have already been paid for, and a sufficient number remain to make the total 1,200. Here is an excess of 417. Seven hundred dollars per man was the usual sum paid, so that \$291,000 or thereabouts has, under the last call alone, been wrung from an over-burdened community, and no ingenuity can cover up the motives and abuses by which the result was brought about.

If the 210 credits already referred to be included, the excess of credits paid for will be 627, and the excess of money paid \$438,900. Such was the tribute paid, not to the Government or to the soldier, but to bounty gamblers and their aiders, for furnishing "credits," not men, and this in the district of which I was not only a citizen, but the Representative.

As the trial of Major Haddock had special reference to the district which Mr. Conkling had represented in Congress (and which he had again carried at the recent election), a brief account of the fraudulent drafts and enlistments there may be of interest.

A statement of the methods employed in dealing with Oneida County will illustrate the manner in which this branch of the Government

service was conducted. The quotas, in this last call of 500,000 men (December 19, 1864), were to be assessed so as to equalize the credits from the beginning of the war, thus requiring more from sub-districts, which had failed to supply their full share in previous calls, and less from those which had supplied more. Oneida County had a surplus of 210 credits. There had been a long delay in sending the quota of the twenty-first district to the Provost-Marshal's office, and the Board of Supervisors had called a meeting to raise money for local bounties, when a bounty broker, recently from Major Haddock's office, came and proposed to make a contract with the Board to fill the quota of the entire district for a specified sum. He showed a letter from Major Haddock, which stated that the quota for the district would be nearly 1,200, but he would take his chances and fill it for \$750,000. The Board passed a resolution accepting the offer, but before the contract was drawn a report came, *via* Rochester, that the quota for the twenty-first district was but 475.

At Major Haddock's court-martial it was shown that, before the meeting of the Board of Supervisors, he had written to three bounty brokers that the quota was only 475, and that the credits would be reserved for their benefit if they suc-



ceeded in getting the contract. This of course was not known at the Provost-Marshal's office in time to be of use; while about a week after the meeting of the Board an official letter was received from General Fry stating that the quota for the district was 1,044. After the war the records of the War Department showed a surplus of nearly 700 credits for the twenty-first district. This false quota caused an extra tax of \$500,000 to be levied in Oneida County.

On April 21, 1863, Joseph P. Richardson was, upon recommendation of Mr. Conkling, given the commission of Provost-Marshal for the Oneida Congressional district. In December, 1864, he was summarily removed by order of General Fry, whereupon Mr. Conkling at once wrote to the Provost-Marshal General and to the Assistant Secretary of War (Charles A. Dana), demanding that charges be preferred against Captain Richardson. No answer was given to Mr. Conkling's request. The vacancy was then filled by the appointment of Colonel Poole, who served a few weeks and was then relieved by Peter B. Crandall, a former recruiting agent, who had not solicited this appointment, and whose character was reported as very high.

On January 24, he entered upon his duties as Provost-Marshal. So close was the pursuit of the

deserters' money by Haddock that an order is in existence in his handwriting, dated Elmira, January 24, 1865 (the very day on which Crandall began his official duties), with the simple address of "Col.," which could not have been Crandall, as he was a captain, and which says, "When you come, bring with you all deserters' money in your possession."

This money, by law, should have been paid over to the quartermaster of the district. Captain Crandall at first obeyed such orders as these, but finally resolved, after further consideration, and advice of eminent counsel, to refuse to forward this money to Haddock, and it was just this refusal of Captain Crandall to obey an illegal order that started, in fact, this whole investigation.

Crandall served till March 13, 1865, having been summarily suspended March 11 by order of Major Haddock, who had lately succeeded General A. S. Diven. On March 4 he received from Haddock an order directing him to pay over to a special agent (who was the Major's private secretary) "all moneys, bonds, or other securities whatever that might have been deposited in his hands by any enlisted man, broker, or agent to protect the Government against desertion," or that he might have received from any person whatsoever in his capacity as Provost-Marshal.

While acting as Provost-Marshal, Captain Crandall generally visited Mr. Conkling in the evening, and told him of the gross frauds in the bureau.

The latter often said: "Don't, don't, Mr. Crandall! You don't know what a fight you'll get me into." Yet, at the same time, he was willing to hear more of it on the following evening.

He dreaded the acquisition of a complete knowledge of the fraudulent drafts, for with the instincts of a prophet, and with that keen foresight which so characterized his subsequent career, he suspected that the Secretary of War would one day retain him to investigate the scandalous irregularities of the Provost-Marshal General's bureau.

Captain Crandall had in his possession a long descriptive list of deserters from New York State regiments at Camp Seward, Auburn. The applicants would enlist, receive the \$1,100 bounty, divide it with the bounty brokers, and then escape from the rear of the camping-ground, for no guard was stationed there, as was the case at the front. Previous to their escape from Auburn, many of these recruits had deserted at Utica, Oswego, Watertown, Syracuse and other cities. Under assumed names they re-enlisted and received bounty at each place, deserting afterward, and hence were termed "bounty-jumpers."

Upon enlistment a recruit would often deposit

money, *i. e.*, part of his bounty, in the hands of Captain Crandall, with the request that it be sent to his parents or his wife after he had been forwarded to Elmira, and thence, under orders of Major Haddock, transported to the seat of war. Crandall deposited this money in the bank and entered it to the recruit's credit in the cash-book.

He usually held \$500 till the recruit reported at the rendezvous-camp in Elmira. Then Major Haddock forwarded these soldiers to Virginia without giving them the balance of their bounty; hence these lately enlisted men would write from the field to Captain Crandall, who had originally enrolled them, and ask about the missing money.

The following is a copy of one of these letters; written on paper furnished by the United States Christian Commission, and having at its head the following quotation :

"This is a faithful saying, and worthy of all acceptance, that Christ Jesus came into the world to save sinners; of whom I am chief."

CITY POINT, VIRGINIA, March 20, 1865.

*Friend Mr. Crandal* as I promised to write to you after I got to Elmira we had better barracks than we had at Utica but I did not like the fare. We staid in Elmira about ten days and then started for City Point. We have tents pitched within a mile of the point. We are expecting every day to go front can hear the guns firing before petersburg the Army is not more 10 miles from our Camp. Thos 12 boys that came with me are well I drew a hundred dollars at Elmira and kept \$15 of it and sent the other \$85 to you and if you will place it as the other is and I

will be much obliged did you see that the ring was sent home I would not loose it for anything that fellow never gave me a cent but 10 dollars of the bounty I placed in his hands and part of that was bad please excuse bad wrighting and short letter as I burnt my hand and it bothers me considerable please answer soon and let me know what is going on in Utica you may think it strange that I did not put a stamp on the envelope but I could not get any as they are very Hard to get direct Cavalry depot near City Point Va.

WILLIAM H. GRIGSON.

Many letters of similar import were received from newly enlisted men. Concerning the disposal of the money of the recruits, Crandall thrice wrote Major Haddock, urging in each case a reply. No answer came, but the Major gave Captain Crandall receipts for the money that he had sent.

Soon afterward six recruits sued Crandall for failure to deliver the money (though it was no fault of his), and each recovered judgments for from three to five hundred dollars. Then eminent counsel (the Hon. Ward Hunt) advised Captain Crandall to cease sending the bounty balances. At this juncture Major Haddock became angry at the Captain's course, and the former suspended the latter for disobedience of orders, as we have seen. Meanwhile Haddock had made desperate efforts to obtain the money of the recruits, and to this end had sent his private secretary to Utica. The latter telegraphed to his master: "Crandall is honest; don't be worried about the money."

This was bad news to Haddock, for his emissary had come to Utica with orders to bring him the bounty. Failing in this, Major Haddock sent to Crandall, Captain Meredith, a paymaster in the army, with special orders to bring the money to Elmira. This officer went to Utica, asked for Captain Crandall, and in a dictatorial manner said:

“Captain, here is Major Haddock’s order to deliver the money. You are bound to obey. If I order you to shoot that man (pointing to one) you must do it.” Crandall replied: “I shall obey no such order to shoot any man, and I won’t give the money to Major Haddock.” At first Captain Meredith was angry, then he recovered himself and reported to his superior, at Elmira that “Crandall was all right.” A few days later Colonel Baker, of the Secret Service, ordered the arrest of Crandall, but for some reason the following telegram was sent from Utica by the detective to General Fry: “You had better not arrest Captain Crandall.” The order of suspension, signed by Haddock, had the desired effect. In May the Provost-Marshal General wrote him that his services were no longer required.

Mr. Conkling had written, March 13, 1865, to Charles A. Dana, the Assistant Secretary of War, as follows:



Captain Crandall was not selected by me, but I heartily concurred in the selection. I should have picked him out of all the men presentable for the place as one whose purity would never even be suspected.

His integrity is above all question, and I will do for him what I never in my life have done but once: I will be personally responsible for him; and I take it upon myself to pronounce the charges you refer to infamously false.

Mr. Conkling could not therefore conscientiously remain silent when a faithful and honest officer was thus consigned to oblivion, as he himself said, "for the reason solely that he could not be used by scoundrels." Accordingly he wrote a very warm and strong letter to Secretary Stanton, urging his reinstatement. This was promised, but the Secretary was overwhelmed with work, and it never took place.

The conclusion of this letter is worth quoting as showing the spirit that animated Mr. Conkling in this matter:

Surrounded as you are by so many weightier matters, you may smile at my earnestness, but if you knew exactly what I know, your indignation would be as great as mine, and mine goes to just that extent that I feel, as to the Provost-Marshal General, that we are at the mercy and dictation of thieves; and if I live, and can do so, I will get to the bottom of this particular proceeding, and give it such ventilation as will conduce to the general health.

President Lincoln had issued, December 19, 1864, a call for 500,000 men. The bounty and recruit brokers in the interior of New York had formed a

gigantic conspiracy with Major Haddock, Assistant Provost-Marshal General of the Western Division of New York.

Referring to the President's last call for troops, a member of the Cabinet\* remarked: "Mr. Lincoln, if recruiting goes forward in this way, your new call for troops will soon be answered;" whereupon the President replied: "Oh yes: we have a pretty big army already—on paper; but what we want is men in boots and breeches. This great array of figures, in respect to soldiers, is not going to suppress the Rebellion. I want *men* who can carry muskets and eat hard-tack."

It appeared that previous to President Lincoln's last call for half a million men, the bounty brokers had been granted such facilities as to make the filling of quotas a very lucrative business.

Subsequent events have shown that this last call was the result of premeditated and persistent efforts of a few persons to reap a rich harvest of plunder. It was known that bounty-jumping had rapidly increased during the supplying of the previous call. Before this call was made, General Sherman had finished his victorious march to the sea, thereby cutting off, for the most part, the supplies of General Robert E. Lee. General Grant, in front, was forcing Lee's army toward Richmond.

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\* Edwin M. Stanton.

Hence, with Sherman in the rear, General Lee was virtually surrounded and without a sufficient force for a general engagement. In such a juncture a movement was made in Congress to issue a call for more men. It was insisted that if 500,000 more soldiers were put in the field, General Lee would at once surrender and the horrors of war would cease.

President Lincoln is said to have thought the extra call unnecessary, and to have written General Grant, receiving this reply: "There are all the men and munitions of war that are needed." In spite of the advice of the General of the army, the politicians persisted in urging this "humane" measure, until the President, under pressure, decided to issue the call.

Here was a fortunate state of affairs for united action on the part of bounty brokers and the recruiting department of the Government. The new men were not wanted by the officials in the War Department, for they had enough to do without guarding and drilling raw recruits. Large local bounties had to be paid in order to secure half a million men. The great armies about Richmond absorbed public attention, while the citizens of sub-districts were engrossed in finding enough soldiers to fill their quotas in order to avoid a draft.

The public mind was at that time too deeply engrossed in national affairs to be watching men in charge of the recruiting service. The officials of the War Department, being apprised of what was going on, determined to institute legal proceedings against the culprits. We have already stated that Secretary Stanton persuaded Mr. Conkling to manage the matter for the Government. He, although disinclined to prosecute the bounty thieves, became, at the earnest solicitation of the Secretary of War, the attorney for the Government, and helped to save the Treasury about \$200,000. This sum was obtained from the officer in charge at Camp Seward, Auburn, by the private secretary of Major Haddock, to be delivered to him at Elmira. When he entered the Major's office with two satchels containing this large amount in greenbacks, they were seized by the military authorities, and the money was turned over to the Government.\*

Prior to the time when Roscoe Conkling was urged, or rather forced, to begin the prosecution of Major Haddock and the bounty thieves, he had no organized band of enemies. At home, as well as in Washington, no one commanded the respect,

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\* Referring to these fraudulent drafts, Mr. Conkling afterward stated on the floor of Congress (April 24, 1866) that "out of 700,000 to 800,000 men *for* whom, not *to* whom, enormous bounties were paid, not to exceed 300,000, I believe not 200,000, ever reached the front."

confidence and love of all more than he. No man ever entered upon an unpleasant task with purer motives and a stricter sense of duty than he did upon this. He felt in honor bound to defend his district ; and he did it, though well aware that the struggle would be a bitter one, and that it might reach persons above Major Haddock — officials in higher military and civil stations, yet he never shrunk from doing what he knew should be done. The acceptance of the position of Governmental prosecutor was probably the most important event of his career, for it was the beginning of an “irregular” warfare that may be said to have ended only with his life ; and it shaped essentially his subsequent course.

He had in his possession many letters concerning fraudulent drafts and bounty-jumpers, some of which implicated men high in official station ; and, in Mr. Conkling’s opinion, the authors of these missives were responsible persons.

The trial of Major Haddock began at Elmira May 22. The court was composed of Major-General J. C. Robinson, president ; Colonel Edmund L. Dana, 143d Pennsylvania Volunteers ; Colonel John Irwin, 149th Pennsylvania Volunteers ; Brevet Colonel T. B. Hamilton, Sixty-second New York Volunteers ; Lieutenant-Colonel James Glenn, 149th Pennsylvania Volunteers ; and

Brevet Colonel John S. Hammell, Sixty-sixth New York Volunteers.

The accused objected to the Hon. Roscoe Conkling as judge-advocate, and as there was not a full court, Major G. W. Jones being absent, he claimed that therefore the members should not be sworn. The court-room was cleared for deliberation, and, upon being again opened, it was decided to go on without Major Jones. The court was then sworn by the judge-advocate, and the judge-advocate by the court, and Theodore F. Andrews became the reporter. The accused presented as counsel Judge Smith, of Utica, G. L. Smith, of Elmira, and Colonel George A. Woodward, Twenty-second Regiment, Veteran Reserve Corps (son of the recent candidate for Governor of Pennsylvania). The judge-advocate then read the charges and specifications. These were as follows :

Charges against Major Haddock, Twelfth Regiment Veteran Reserve Corps, Acting Assistant Provost - Marshal General Western Division of New York :

Charge first—Violation of the ninety-ninth article of war.

“ Art. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.”



This charge contained twenty-six specifications, which related chiefly to bribery and fraudulent drafts.

Charge second—Violation of the eighty-third article of war; and conduct unbecoming an officer and a gentleman.

“Art. 83. Any commissioned officer convicted, before a general court-martial, of conduct unbecoming an officer and a gentleman shall be dismissed the service.”

Charge third—Violation of the eighty-fifth article of war, and fraud.

“Art. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence that the crime, name and place of abode, and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular State from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.”

Charge fourth—Fraud; malfeasance in office; abuse of official powers; complicity with bounty brokers in the Western Division of the State of New York: accepting presents and bribes; agreeing to accept presents and bribes; proposing to accept presents and bribes; being interested pecuniarily in recruiting and filling quotas in the Western Division of the State of New York.

In charges second, third and fourth the specifications correspond respectively to the same numbers as set forth under charge first.

The accused pleaded not guilty to each charge and to the specifications.

The trial lasted sixteen days. At the end of the fourth day the venue was changed to Syracuse by order of the Secretary of War. On July 6 the court again met, and on August 1 Judge

Smith summed up for the defence. Judge-Advocate Conkling then replied, and on the next day reviewed the testimony at great length. The arguments were promptly published in the *Utica Herald*.

In giving an account of the trial, a witness, H. A. Dobson, says:

I was a clerk in Haddock's office, having been appointed by his predecessor, General A. S. Diven. I did not like the change, especially as I soon found out that he was not honest. After a while, I began to take notes of some of his proceedings, hoping to lay them before some one, but as I did not know to whom to present them, I said nothing. Finally I sought a position in Washington, and secured an appointment in the War Department, and left Haddock just before the arrest was made. I did not know of the arrest, nor of the commencement of the trial at Elmira, until the court had adjourned to meet at Syracuse, nor did Mr. Conkling know that I had anything that would be of use to him. Seeing the case mentioned in some paper, I addressed a letter to the Judge-Advocate, not knowing who he was, and receiving an inquiry from him, which I still have, asking me what I knew of certain facts. I proved to be a "missing link" in the chain of evidence, and was summoned before the court, and was kept there in attendance three weeks so as to prevent the introduction of testimony to offset mine by tools of Haddock. They tried to do this, but as I was in the court-room I was able to write notes to Mr. Conkling which led to such cross-examinations as completely upset the witnesses.

\* \* \* \* \*

When I arrived at Syracuse, Mr. Conkling met me and took me to his hotel, and did not allow me to register, nor let me be seen by the defence, nor by any of the witnesses for the defence. I staid in my room until wanted, a day or two after my arrival. Mr. Conkling evidently thought that my testimony was very important, for he sent the Marshal for me, with instructions to bring

me to the door and then let him know that I was there, which was done. Mr. Conkling then said he had one more witness to introduce, and arose, looked at the court significantly, and then at Haddock, stepped to the door, paused, and again looked at Haddock, until he had the attention of the court upon him, when he opened the door and led me in, stopping me just where Haddock could see me. He had completely forgotten me until he saw me, and he gave a start, turned pale, and immediately began to talk in an excited manner to Colonel Woodward, his counsel. This was told me; that is, that part which occurred before I came in. I saw him start, and saw him pale.

I assisted Mr. Conkling in the preparation of his papers each night after the court adjourned, so as to keep busy, and became well acquainted with him, and gained a warm friend, and a true one, by my conduct in the case.

\* \* \* \* \*

One of the most exciting episodes of the trial was the cross-examination of Smith. The court ordered that all persons who knew that they were to be witnesses should remain outside of the room until they were called. Smith knew that he was to be a witness, yet he remained, ostensibly as well as actually, the counsel for Haddock. When Mr. Conkling began to cross-examine him, and to bring out his illegal doings in connection with the putting in of substitutes, Smith became very angry, menaced Mr. Conkling, who remained perfectly cool, though he became pale from suppressed anger and excitement; that kind that gave him that clear penetrating thrust, as clean as a rapier, when he spoke, and so violent did Smith become that the court, in view of the protection asked by Smith from the court from such questions, requested Mr. Conkling to tell the court what he expected to develop by his questions. Mr. Conkling arose as cool as could be and said, "May it please the honorable court: It is the province of the judge-advocate to show the character of the witness, to break his evidence by showing him to be infamous, and if the court please, the judge advocate proposes to prove this witness to be infamous by his own testimony." Smith sprang to his feet and shouted, "I defy you!" and shook his fist at Mr. Conkling, whose eyes flashed and whose hand closed in a way to show that

if he had the opportunity at a proper time and place, he would have made short work of Smith. The court interfered and ordered Smith to resume his seat and to behave himself. Then began the series of questions, each one pressed home like a knife, which brought out the fact that he had admitted men in the county jail under charge of murder to be brought before him for the purpose of giving bail, and that he bailed them on condition that they enlist as substitutes.

Captain Crandall, in his account of the trial, says :

Judge Smith, of Oneida County, was Major Haddock's counsel as well as his most trusted witness before the court-martial. I felt from the beginning of the trial a great curiosity to hear Judge Smith's testimony and his cross-examination by Mr. Conkling. When the time came, in giving in his direct testimony if Mr. Conkling raised any objections or made any remark, Smith would turn to him with a look of defiance and contempt. When turned over for cross-examination Mr. Conkling asked, "Are you County Judge of Oneida County?" Answer, "Yes." Question. "As County Judge, was it your duty to appoint three Commissioners of Excise?" A. "Yes." Q. "Were these Commissioners authorized to appoint an attorney to assist them?" A. "Yes," Q. "Did Mr. B—— pay you \$500 to secure his appointment as such attorney?" A. "No." Q. "Are you positive on that point?" A. "Yes." Q. "You cannot be mistaken?" (Very indignant at the repetition). A. "No." (Mr. Conkling commenced turning a large bundle of papers, looking them all through with apparent disappointment; then, with seeming more care, commenced again to look over the bundle. Soon, with brightened expression, he drew out B——'s receipt or check for the \$500, reached it to Smith and asked, "Did you receive that amount?" Smith's defiant expression changed, his face colored.) Q. "*Will you answer my question?*" Not a word. Mr. Conkling turned toward the court, the answer came faintly—"Yes." Q. "Is Mr. Utley a law partner of yours?" A. "Yes." Q. "Did you, as judge, let to bail, said Utley his bail, a desperado named Charles E. Norton,

who was in jail charged with burglary and theft, with the understanding that he would enlist into the United States service and give said Utley the local bounty that was being paid?" A. "No." Q. "Did you give the sheriff an order to take said Norton from jail to the Provost-Marshall's office?" A. "No." Q. "Did you give the sheriff an order to take said Norton out of jail?" A. "No." Q. "Are you certain you did not?" A. "Yes." Q. "Certain that you gave no order to have him taken from jail, did not accept bail, nor favor his enlistment?" A. "Yes, certain." Mr. Conkling took up his bundle and drew out Judge Smith's order to the sheriff, the acceptance of Mr. Utley as bail, and passed it to Smith. Q. "Is that your hand-writing, sir?" No answer, witness turned pale. Q. "Is that your hand-writing, sir?" (Mr. Conkling turned toward the Court.) A. "Yes." Q. "Judge Smith, did Major Haddock give you a statement of credits due the several sub-districts in Oneida County that had not been reported to the Provost-Marshall's office?" No answer. Mr. Conkling took up his bundle of papers and commenced turning them over very deliberately. Answer—"Yes." This substantiated Richardson's confession to Mr. Conkling and was the lever that removed him from office.

The defence was read by Judge Smith. It disclosed an attempt to reconcile the obligations of official character with unlawful gain by improper commerce with the bounty broker Richardson. It should be stated that there was imprudent intercourse between Haddock and Richardson, as well as grave irregularities that did not admit of defence. The counsel for the accused opened his argument with a formal objection that went to the legal organization of the court-martial. He sought to show that the judge-advocate, not the Secretary of War, was the *real* prosecutor. We have

seen that Roscoe Conkling was directed by Secretary Stanton to draw up the necessary charges and specifications.

Major Haddock's counsel reviewed each charge, and tried to explain away the grave accusations against his client; for example, he attempted to throw the burden of a \$2,000 bribe upon the broker rather than the officer. He discredited the agreements made with Richardson to divide the profits which were to come from the surplus credits. He asked the court to "pardon errors of judgment" and the "imperfection of human nature."

In summing up he strove to break the force of each specification, and closed his argument with the following paragraph:

The accused leaves now his case with the court with entire confidence. On its independence, firmness and sense of justice he depends as his sole reliance. He appears before judges who can have no motive but an impartial equity.

Officers who have well and gallantly performed their part in the tragic strife that has saved a nation will not lay aside their swords to become the ministers of an unjust vengeance, nor strain fact or law to effect an undeserved conviction. They have helped to speed the thunder that has overwhelmed the enemies of the republic, but they will be slow on the evidence in this case to blast the character of a faithful and loyal officer. In your present capacity, soldiers! and judges! you sit as successors to the ancient courts of chivalry, and you will recall that these were the judicial form of an institution whose generous boast it was, not only that it cherished honor, but that it also protected the weak and innocent from the oppressions of power, that in such courts to degrade a



knight by staining his reputation was more than taking his life, and that they required the evidence to be as conclusive, the guilt as clear, as if the accused were to be condemned to death.

An eye-witness, who heard the "summing up" of Roscoe Conkling at Syracuse, says: "I recollect Haddock's presence. His face streamed with perspiration, and was so red that he appeared to "sweat blood," as many remarked.

Mr. Conkling thus reviewed the testimony:

*May it please the Court:* Happily for the honor of the military profession, and for the fair fame of our land, prosecutions such as this have, until of late, been unknown in our history. In olden time, and in later time, a commission in the army was a certificate of character and a passport everywhere. But the Rebellion, now ended, seems to have been appointed to illustrate, in manifold ways, the shame not less than the glory of humanity. A vessel tossed and groaning in a gale, a crew heroically manful, and a myriad of sharks following the ship—such is a faithful emblem of our condition during the mighty convulsion which has just subsided. The nation was in the last peril of existence. The continent quaked under the tramp of an uncounted host, eager, from general to private, to suffer all, and dare all, for the salvation of the Government of their fathers. But with them came knaves, titled and even shoulder-strapped, a darkening cloud of vampires, gorging themselves upon the heart's blood of their country. Shoddy contractors, bounty gamblers and base adventurers found their way even into the army, in order that they might the better, under patriotic pretensions, make to themselves gain of the woes of the community. And accordingly spectacles like this trial have come to be familiar to the public eye. Officers are put to the bar of justice for crimes deserving rank among the baser felonies. Whether such instances shall continue, depends largely upon the result of exposures of which this trial is a somewhat conspicuous one. It is the peculiar privilege of the army that its honor is con-

fided to its own keeping solely. Infractions of its integrity are triable before soldiers alone, and thus the officers of the army become the guardians and avengers of its purity and honor. Such a prerogative is the property of no other profession, and it imposes responsibilities in the ratio of its exclusiveness. In one sense, this trial relates to the *morale* of the army. In another and a broader sense, it relates to the universal interest of the whole public. The war has ushered in an epoch of heroes and thieves. A carnival of venality has raged, until business connected with the Government has become one grand masquerade of fraud. Courts of every grade are kept open. The national jurisprudence, civil and military, is administered in splendid expense and with superfluous appointment. Petty offenders and common culprits are the vermin destroyed by the great machinery of justice, while right is humbled and baffled, if not abashed, in the presence of criminals too great to be punished. A prolific cause of this is the freemasonry of profitable crime. Accusations, such as you sit to try, usually involve, as they do in this case, the impunity of many men. The prosecution must encounter, as it has done here, classes and combinations ; and the result of pursuing offenders of such a grade, with the shrewdness, the money, the facilities they possess, is certain to be abortive unless special and exceptional effort s employed. Therefore, special and exceptional effort should be made. Whenever an instance occurs of guilt, traceable to one in an official station of power and sacredness, its exposure and punishment is a triumph of right, which should be emphasized by every salutary lesson which the fact can be made to enforce.

Such is, fortunately, the opinion of the Government. Such is the undoubting faith of him selected to conduct this prosecution.

The arraignment of the accused proceeds upon the distinct avowal that it is not only justifiable and right, but the solemn duty of the Government to ferret out those iniquities which have marred the sublimest moral spectacle of all time. The prosecution illustrates the principle that no partisanship of the criminal toward the Administration, that no chagrin which may be felt by the Government at the exposure of the fact that unfit men have been selected for high places, that nothing whatever, shall stand in the way of the detection and punishment of crime. But because

vigilance has been employed in uncovering fraud and wrong, the managers of the defence have seen fit to decorate me, and even the Government, with their censure. A labored effort is made to confound vigilance with persecution and injustice, and the resort which has been had to the evidence of a person involved in the misconduct of the accused is made this occasion of censorious complaint. The counsel forget that this trial will stand alone among military trials in the liberties and advantages accorded to the defence. A court composed of those who could have no bias against the accused was appointed at a place selected from regard to his interest, and thronged with the creatures of his official favor; three counsel were admitted, and have been allowed to argue, to examine, and to manage with unrestrained freedom; the chief witness for the defence has been suffered, before being called himself to hear all the testimony of opposing witnesses upon the very points upon which a witness should most be tested; a copy of the record has been furnished the accused from day to day; an extraordinary number of witnesses have been asked for, and not a witness, however obvious his uselessness, has been refused; and at length, having assented to reading the record from the shorthand notes, until three weeks of extended record had accumulated, the accused was indulged in an objection, the effect of which was, after the case for the prosecution was fully disclosed, to give to the defence six weeks to prepare to meet it; and during this long interval, the accused has had the range of the country.

In all this lenity of the court the judge-advocate has fully concurred, but he protests against the attempt now to manufacture anything from the case with which to deck, in specious disguises, the plea of "malice" and "persecution," that oldest and most threadbare resort of guilt. The true and only question is, What is established by the evidence? and to that inquiry immediate attention is invited.

Here Mr. Conkling began to analyze the testimony piecemeal. He reviewed it under thirteen different heads, wherein he read many letters and despatches that passed between the prisoner and

the bounty brokers or their confederates. Major Haddock's self-incriminating letters were enough to convict him.

Such is a rapid collocation of some of the main features of the testimony, and of the considerations suggested by it.

The case is one requiring of the prosecution the clearest and most convincing evidence. Proof should always be strong and satisfactory in the same degree in which the guilt it indicates is enormous. The accused is peculiarly entitled to the benefit of this principle of reason and of law. The crimes imputed to him are both atrocious and detestable, and a great presumption of innocence belongs to him as an officer and a man.

If guilty, his offence is nothing less than basely intriguing against the army, in the most critical period of its fate, and wielding the powers of a great official station against the life of the republic itself. Is the accusation less heinous than this?

It is charged that when the army, thinned by battles and hardships, stood waiting for re-enforcements before closing with the enemy in the last grapple for the mastery; when exhaustion and divided sentiment in the loyal States told but too plainly that victory lost for a season would be lost forever; when a call for three hundred thousand more men had been made, and the destiny of the cause hung upon the response—that then, while standing in double trust as a soldier and as a high civil officer, the accused, for a consideration, thwarted the efforts to succor his comrades in the field, first by conniving at worthless enlistments, and second, by allowing recruits to be robbed, knowing that desertions and demoralization must follow.

But yet more sinister acts are laid at his door. It is alleged against him that he conspired to take to himself the moneys by which the army and the Government subsisted, and to add exactions to taxes, making them too grievous to be borne, and this at a time when pecuniary disorders were about to solve disastrously the whole problem of the war. The range of such perfidy is bounded only by its power of mischief, and perhaps no man in the nation, save only the Provost-Marshal General himself, held greater

sway for good or evil in the special field of alleged malfeasance than he who presided with autocratic discretion over one-third of the State of New York. \* \* \*

This trial and its result may be looked at by those who come after us as a straw denoting currents in the decadence or the regeneration of public morals. Should it be ever so recurred to, each one who has acted his part in it decently and in order may rest assured that it will be well with him. *One humble part has been, we are told, acted zealously—that part is mine. Is it true that I have been diligent in laying bare these iniquities? Give me a certificate of my zeal, that I may leave it as a legacy to my children; and bid them say of me, "He did his utmost to gibbet at the cross-roads of public justice all those who, when war had drenched the land with blood and covered it with mourning, parted the garment of their country among them, and cast lots upon the vesture of the Government, even while they held positions of emolument and trust."*

Two months after the close of the trial the findings of the court-martial were published at Washington. They were as follows:

\* \* \* And the court does therefore sentence him, Major Haddock, Twelfth Veteran Reserve Corps, and Acting Assistant Provost-Marshall General, Western Division of New York, *"To be cashiered, and utterly disabled to have or hold any office or employment in the service of the United States; that he pay a fine of ten thousand dollars to the United States, and be imprisoned at such place as the proper authority may designate until the said fine is paid—the period of said imprisonment not, however, to exceed five years; and in conformity with the Eighty-fifth Article of War, the court add in and to the said sentence that the crime, name and place of abode of the said Major Haddock, to wit, the town of ———, in the State of New York, and punishment of the said delinquent, be published in the newspapers of the said State of New York, from which particular State the said offender came, and where he usually resides."*

II. The proceedings, findings and sentence of the court in the foregoing case of Major Haddock, Twelfth Regiment Veteran Reserve Corps, are approved and will be duly executed. The

State Prison at Concord, New Hampshire, is designated as the place of confinement, where the prisoner will be sent, in charge of a suitable guard, under the orders of the Commanding General, Department of the East, for the execution of so much of his sentence as imposes confinement.

By order of the SECRETARY OF WAR,

E. D. TOWNSEND,

*Assistant Adjutant-General.*

The Judge-Advocate General expressed great surprise at the leniency of the sentence, and the president of the court, General J. C. Robinson, said:

“The war has ended successfully and there is a general feeling toward pardon throughout the Government. I have partaken of that feeling. *Did the war still continue*, Major Haddock’s sentence would have been death.”



1865-1866.

## CHAPTER XIV.

### THE RECONSTRUCTION PERIOD.

ON June 18, 1865, the 117th New York Volunteers, recruited from Utica and the outlying districts of Oneida County, returned from the field. Mr. Conkling, who was temporarily at his home in Utica, delivered the address of welcome.

He spoke as follows:

Soldiers and fellow-citizens: \* \* \* In the name of the people of this city, and of the committee, I assure you that the heartiest welcome they can give is offered to you as neighbors and as victorious soldiers of the republic. Three years ago fear was everywhere. No home was safe; strong men bowed themselves; our Government tottered; our flag was derided and dishonored on land and on sea, and foreign nations were casting lots for our vesture. Then it was, at the country's call, that you left fireside and home for the camp, the trench and the hospital—then it was that you went out to defend on far distant battle-fields the life and glory of your country. You have done your whole duty. You have made marches more dreadful than battles. You have conquered in fights which will be historic forever. You have belonged to the most glorious army which ever assembled on earth, and of that army you were the first regiment of all to plant the glorious ensign of the republic on the battered parapet of Fort Fisher. (Cheers.) In all this career of glory, of duty, and of daring exploit, a common purpose has inspired you, a common hope has led you on. What was it? Peace, peace with

the Government and the Constitution of our fathers established, has been the object of the war, and the prayer of every patriot and of every soldier. We have all longed for the time when you who are fathers and you who are sons, you who are husbands and you who are brothers, and you who are lovers, should return once more to gladden the places which have been lonesome and desolate without you. That time, at last, has come, and on this burning Sabbath day have gone up, and on every Sabbath will go up, from the Christian altars of the land praises and thanksgivings that at last the red eye of battle is closed, and prayers that it never again may open, and above all, that it may never open on the dis-United States of America. This glorious advent of peace comes of the services rendered by you, and by your comrades in arms; and you deserve to be decorated with heroic honors for conspicuous bravery on burning battle-fields, where all were brave. You deserve, as you receive, the gratitude of your neighbors, the thanks, the blessings and the benedictions of the good, the generous and the true. But I will not detain you. It is the Sabbath day, when, even if you were not weary with travel, rest and quiet would be congenial to you, and to those who have come to greet you.

Kind hands have provided such tributes of hospitality and thoughtfulness as the notice of your coming has allowed; and now, in the name of this vast multitude, in the name of the whole people of Utica, in the name of the whole people of Oneida County, I assure you once more that a welcome and a God-bless-you is in the hearts, if not on the lips, of all, the young and the old.

In reply to an invitation to attend a reception to be given to the "Conkling Rifles," the following letter was written:

UTICA, August 7, 1865.

*My Dear Sir:* I have the pleasure to acknowledge your note of to-day inviting me to be present at a reception to be given on the 10th inst. to the officers of the Ninety-seventh Regiment.

It would give me great satisfaction to join in the occasion you

propose. I hold it a privilege of high honor to be permitted at any time to express the feeling of my fellow-citizens and myself toward those whose heroism and devotion have been the salvation of us all.

To whatever State or county or regiment they belong, they have my warmest wishes and my high regard.

But more than this is true of the men whom Boonville is about to greet. The officers and men of the Ninety-seventh must ever be regarded by me with especial partiality and pride, both as soldiers and as friends. Having adopted my humble name, and inscribed it on their banners, they bore it to victory through thirty battles. Such an honor can never be forgotten, and from the patriot who led at first, to the last private on the roll, all the members of the regiment, in their lives or in their graves, will ever be held by me in grateful remembrance.

It is a matter of sincere regret that I cannot be present on Thursday, but I must forego the pleasure.

Continual absence for weeks has postponed matters which cannot now be neglected.

Should it be possible to release myself, I will come, but I have no hope of doing so, and beg you to present to the friends who will assemble my apology and my best wishes.

Your friend and fellow-citizen,

ROSCOE CONKLING.

SAM'L JOHNSON, Esq., *Chairman*, &c.

The first session of the Thirty-ninth Congress began December 4, 1865. There were in this House more eminent and able Representatives than in any previous Congress.

Among the New York delegates were Henry J. Raymond, John W. Chanler, James Brooks, John H. Ketcham, John A. Griswold (who in 1868 became the Republican candidate for Governor), Theodore M. Pomeroy, Giles W. Hotchkiss and

Hamilton Ward, who in 1879 was elected Attorney-General. Mr. Conkling was generally regarded as the ablest man of the delegation. It may be said that in this Congress he established his national reputation as a statesman and as a leader in the councils of the Republican party.

Schuyler Colfax, of Indiana, was chosen Speaker, and he appointed Mr. Conkling on the Committee of Ways and Means. James A. Garfield and Rutherford B. Hayes were members of this House. The latter took but little part in the proceedings. In the afternoon of the opening day Thaddeus Stevens offered a concurrent resolution appointing a joint committee of fifteen members to inquire into the condition of the so-called Confederate States, and to report whether they were entitled to representation in either House of Congress. It was known as the Committee on Reconstruction. The resolution was soon passed by a two-thirds vote, the Democrats being recorded in the negative.

Roscoe Conkling was one of the Joint Committee. It consisted of six Senators and nine representatives in Congress. Several sub-committees were formed, Mr. Conkling being appointed on that for Virginia, North Carolina and South Carolina. Here his colleagues were, Jacob M. Howard, a Senator from Michigan, and Henry T. Blow, a

Representative from Missouri. We may state that this Congress was distinguished by measures which have had an enduring effect upon the nation, *e. g.*, the civil rights bill, the tenure of office law, and the fourteenth amendment to the Constitution.

Mr. Conkling submitted, December 5, the following resolution :

*Resolved*, That the Committee on Military Affairs be instructed to inquire whether the office of Provost-Marshal General and offices subordinate thereto cannot now advantageously be dispensed with, and such business as remains at that bureau be turned over to some necessary and permanent bureau of the War Department.

He demanded the previous question and it was adopted without opposition.

The reader will recognize that this measure was suggested by the Haddock court-martial.

Mr. Conkling submitted, December 21, the following resolution :

*Resolved*, That the President of the United States be requested, if not incompatible with the public interest, to communicate to this House any report or reports made by the Judge-Advocate General, or any other officer of the Government, as to the grounds, facts and accusations upon which Jefferson Davis, Clement C. Clay, Stephen R. Mallory and David L. Yulee, or either of them, are held in confinement.

He asked for immediate action upon this resolution, but, objection being made, it went over

under the rules. At a later day (January 10) it was adopted.

On January 15, 1866, he offered the following important resolution :

*Resolved*, That an amendment of the Constitution of the United States should be submitted to the States for their ratification in one of the two following forms:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of citizens of the United States : *Provided*, That whenever, in any State, civil or political rights or privileges shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of citizens of the United States : *Provided*, That whenever, in any State, the elective franchise shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

It was, without debate, referred to the Committee on Reconstruction, and ordered to be printed.

The next day he submitted the following resolution for reference to the same Joint Committee :

*Resolved*, That, in re-establishing the federal relationship of the communities lately in rebellion, so as to permit them again to participate in administering the general Government, the following are necessary and proper requirements on the part of the United States, and ought to be secured by such measures as will render them, as far as possible, immutable :

1. The absolute renunciation of all the pretensions and evasions of secession as a doctrine and as a practice.
2. The repudiation, both by the State and the national Gov-



ernments, of all public debts and obligations, including State and municipal liabilities contracted or assumed in aid of the late rebellion, and including also all claims by or on behalf of those who were in the military or naval service of the insurgents for bounty, pay or pensions, and all claims of persons not loyal to the United States for damage or losses suffered by reason of the Rebellion and for advances made in its aid.

3. The assurance of human rights to all persons within their borders, regardless of race, creed or color, and the adoption of such provisions against barbarism, disorder and oppression as will relieve the general Government from the necessity of standing guard over any portion of our country to protect the people from domestic violence and outrage.

4. The impartial distribution of political power among all sections of the country so that four million people shall no longer be represented in Congress in the interest of sectional aggrandizement and at the same time be excluded from political privileges and rights.

5. The election of Senators and Representatives in truth loyal to the United States, and never ringleaders in the late revolt, nor guilty of dastardly betrayals which preceded the war, or of atrocities which war cannot extenuate.

The provisions of this resolution offered an excellent basis for the adjustment of any difference of views which existed between Congress and the President.

Mr. Conkling would agree to no plan that operated to disfranchise the colored population in the South ; and it has lately been remarked that the greatest reward which he received for aiding in their enfranchisement was the practically solid vote cast at Chicago in 1880 by negro delegations for the nomination of General Grant for President.

A select committee of nine had been appointed on the bankrupt law. Thomas A Jenckes, of Rhode Island, was the chairman, and he soon introduced a bill ; and in February the debate upon this measure began.

It will be remembered that Mr. Conkling had been the chairman of a similar committee in the Thirty-seventh Congress ; and he now took a leading part in the debate.

An eminent gentleman who sat in the House with him says :

He never shirked a duty. His attendance at committee meeting was scrupulously regular and punctual. He studied the business before his committees ; and he kept watchful oversight of the business of the House when in session. No motion escaped him, no proposed amendment passed him unheeded, no reference of business was made whose motive and value he did not see. He never voted on a measure, in committee or in the House, which he did not thoroughly understand, and if he did not understand it, he delayed action till he could study his duty. Night sessions had no terrors for a man who did not live for pleasure, and who was free from every form of loose-living or personal indulgence. Continuous sessions of day and night in a deadlock of party struggle, or in the last hours of an expiring Congress, saw him unwearied at his post, clear-headed and vigilant.

Stationed in the row of seats fronting the Speaker's desk, he was a conspicuous figure in the turmoil and disorder, killing with swift use of the rules ill-considered or unwise bills, and remorselessly throttling the jobs and corrupt measures which had been kept back for the opportunities of the last minutes of the confusion and carelessness. At an early day of his service in the House he was accepted as the representative of the courage of his party. It was not long before he was accepted as the repre-

sentative of its integrity; and then came to him the involuntary homage which dishonesty pays to honesty, the fear of his resistance, and combinations to weaken and break him down.

The Joint Committee on Reconstruction reported, in January 1866, a proposed amendment to the Constitution. We print the substance of the speech which Mr. Conkling made upon it which is entitled the

#### BASIS OF REPRESENTATION.

MR. SPEAKER: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective members, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." *Constitution*, Art. I., Sec. 2.

This is the provision by which apportionment and representation have till now been regulated in the United States. It is one of the compromises of the Constitution. Strange as it may seem to the gentleman from New Jersey, it owes its existence to the same principle asserted in the pending amendment. What is that principle? That political representation does not belong to those who have no political existence.

The Government of a free political society belongs to its members, and does not belong to others. If others are allowed to share in its control, they do so by express concession, not by right.

It was this principle which rendered necessary such a provision as I have read. It was this principle which brought that provision into our national charter.

The slaves of the South were not members of that political society which formed the Constitution of the United States. They were without personal liberty, and therein they were without a natural right, not a political right; but they were also without political rights, and therefore they were not members of the political community. From this it followed that they were not to be represented as members. From this it followed that politi-

cal power was not to be apportioned by treating them as political persons.

Natural persons they were, producers they were, and the product of their labor was the proper subject of taxation. But direct taxes and representation ought to be distributed uniformly among the members of a free Government. All alike should bear the burdens; all alike should share the benefits.

\*       \*       \*       \*       \*       \*       \*

The slave alone was the anomaly and the nondescript. A man and not a man. In flesh and blood, alive; politically dead. \* \* \* What could be done with him? He was nowhere.

\*       \*       \*       \*       \*       \*       \*

This emancipated multitude has no political *status*.

Emancipation vitalizes only natural rights, not political rights. —Enfranchisement alone carries with it political rights, and these emancipated millions are no more enfranchised now than when they were slaves.

They never had political power. Their masters had a fraction of power as masters. But there are no masters now. There are no slaves now. The whole relationship in which the power originated and existed is gone. Does this fraction of power still survive? If it does, what shall become of it? Where is it to go?

We are told the blacks are unfit to wield even a fraction of power, and must not have it. That answers the whole question. If the answer be true, it is the end of controversy. There is no place logically for this power to go save to the blacks; if they are unfit to have it, the power would not exist. It is a power astray, without a rightful owner. It should be resumed by the whole nation at once. It should not exist; it does not exist. This fractional power is extinct. A moral earthquake has turned fractions into units, and units into ciphers. If a black man counts at all now, he counts as five-fifths of a man, not three-fifths. Revolutions have no fractions in their arithmetic; war and humanity join hands to blot them out.

Four million, therefore, and not three-fifths of four million, are to be reckoned in here now, and all these four million are, and are to be, we are told, unfit for political existence.

Did the framers of the Constitution ever dream of this? Never,

very clearly. Our fathers trusted to gradual and voluntary emancipation, which would go hand in hand with education and enfranchisement. They never peered into the bloody epoch when four million fetters would be at once melted off in the fires of war. They never saw such a vision as we see. Four millions, each a Caspar Hauser, long shut up in darkness, and suddenly led out into the full flash of noon, and each we are told, too blind to walk, politically. No one foresaw such an event, and so no provision was made for it.

\* \* \* \* \*

Here follow two tables giving (first) population, (second) results of different modes of apportionment.

From these tables it will be seen that no New England State would lose a single Representative either by making white men over twenty-one, or all men over twenty-one, the basis of apportionment. On the contrary, taking white men over twenty-one as the basis, Massachusetts would gain two, and Connecticut and Maine, one each. New York would gain four. The losses would not be in the East. Upon a basis of male voters, black and white, Ohio and Illinois would lose one representative each, and Pennsylvania two. California, almost alone of the States heretofore free, would gain. Her extraordinary abundance of male population would double her representation. It is now three; it would be six.

The argument, based on differences between the old States and the new, in respect of age and sex, in population, is overcome by the fact that although these inequalities are large the ratio of representation is larger; that is to say, that the whole number of representatives being only 241, it takes so many "persons" or "voters" to make up the required constituency for a single one, that the preponderance of men over women, except in California, is too small in any State seriously to affect the result.

\* \* \* \* \*

It has been said, in aid of a voting basis, that many of the abuses to which it would be liable could be prevented by restricting the remuneration to male citizens of the United States twenty-

one years old and upward. This would prevent much abuse; but it would shut out four-fifths of the citizens of the country—women and children, who are citizens, who are taxed, and who are, and always have been, represented. It would also narrow the basis of taxation, and in some States seriously.

The second plan mentioned, the proposition to prohibit States from denying civil or political rights to any class of persons, encounters a great objection on the threshold. It trenches upon the principle of existing local sovereignty. It denies to the people of the several States the right to regulate their own affairs in their own way. It takes away a right which has been always supposed to inhere in the States, and transfers it to the general Government. It meddles with a right reserved to the States when the Constitution was adopted, and to which they will long cling before they surrender it. No matter whether the innovation be attempted in behalf of the negro race or any other race, it is confronted by the genius of our institutions. But, more than this, the Northern States, most of them, do not permit negroes to vote. Some of them have repeatedly, and lately, pronounced against it. Therefore, even if it were defensible as a principle for the general Government to absorb by amendment the power to control the action of the States in such a matter, would it not be futile to ask three-quarters of the States to do for themselves and all others, by ratifying such an amendment, the very thing which most of them have already refused to do in their own cases? This step will be taken, if taken at all, as a last resort in the attainment of some object too wise and desirable to be opposed.

The third proposition is believed by the Committee to avoid, as far as the case admits of, all the objections of the other two. Let me read it as it will stand in the Constitution if adopted by Congress and three-quarters of the States:

“Representatives and direct taxes shall be apportioned among the several States which shall be included in the Union according to their respective numbers, which shall be determined by counting the whole number of persons in each State. *Provided*, that whenever the elective franchise shall be denied or abridged in any State, on account of race or color, all individuals of such race or color shall be excluded from the basis of representation.”



It contains but one condition, and that rests upon a principle already embedded in the Constitution, and as old as free government itself. That principle I affirmed in the beginning, namely, that representation does not belong to those who have not political existence, but to those that have. The object of the amendment is to enforce this truth.

It therefore provides that whenever any State finds within its borders a race of beings unfit for political existence, that race shall not be represented in the federal Government. Every State will be left free to extend or withhold the elective franchise on such terms as it pleases, and this without losing anything in representation, if the terms are impartial as to all. Qualifications of voters may be required of any kind—qualifications of intelligence, of property, or of any sort whatever, and yet no loss of representation shall thereby be suffered. But whenever, in any State, and so long as a race can be found which is so low, so bad, so ignorant, so stupid, that it is deemed necessary to exclude men from the right to vote merely because they belong to that race, in such case the race shall likewise be excluded from the sum of federal power to which that State is entitled.

If a race is so vile or worthless that to belong to it is alone cause of exclusion from political action, the race is not to be counted here in Congress.

\*       \*       \*       \*       \*       \*       \*

To return to my argument: the pending proposition commends itself, it is thought, for many reasons.

*First.* It provides for representation co-extensive with taxation. I say it provides for this; it does not certainly secure it, but it enables every State to secure it. It does not, therefore, as the gentleman from New Jersey (Mr. Rogers) insists, violate the rule that representation should go with taxation. If a race in any State is kept unfit to vote, and fit only to drudge, the wealth created by its work ought not to be taxed. Those who profit by such a system, or such a condition of things, ought to be taxed for it. Let them build churches and school houses, and found newspapers, as New York and other States have done, and educate their people until they are fit to vote. "Fair play," "A fair day's wages for a fair day's work," "Live and let live"—these

mottoes, if blazoned over the institutions of a State, will insure it against being cursed for any length of time with inhabitants so worthless that they are fit only for beasts of burden. I have said that the amendment provides for representation going hand in hand with taxation. That is its first feature.

*Second.* It brings into the basis both sexes and all ages, and so it counteracts and avoids, as far as possible, the casual and geographical inequalities of the population.

*Third.* It puts every State on an equal footing in the requirement prescribed.

*Fourth.* It leaves every State unfettered to enumerate all its people for representation or not, just as it pleases.

Thus every State has the sole control, free from all interference, of its own interests and concerns.

No other State, nor the general Government, can molest the people of any State on the subject, or even inquire into their acts or their reasons, but all the States have equal rights.

If New York chooses to count her black population as political persons she can do so. If she does not choose to do so the matter is her own, and her right cannot be challenged. So of South Carolina. But South Carolina shall not say, "True, we have less than three hundred thousand 'persons' in this State, politically speaking, yet we have in governing the country the power of seven hundred thousand persons."

The amendment is common to all States, and equal for all; its operation will of course be, practically, only in the South.

No Northern State will lose by it, whether the Southern States extend suffrage to blacks or not. Even New York, in her great population, has so few blacks that she could exclude them all from enumeration and it would make no difference in her representation.

\* \* \* \* \*

It has been insisted that "citizens of the United States," and not "persons," should be the basis of representation and apportionment.

These words were in the pending amendment as I originally drew it and introduced it, but my own judgment was that it should be "persons," and to this the Committee assented.

There are several answers to the argument in favor of "citizens" rather than "persons."

The present Constitution is, and always was, opposed to this suggestion. "Persons," and not "citizens," have always constituted the basis.

Again, it would narrow the basis of taxation and cause considerable inequalities in this respect, because the number of aliens in some States is very large, and growing larger now when emigrants reach our shores at the rate of more than a State a year.

\* \* \* \* \*

I believe it a wise and salutary provision, a solid block, needed in the foundation of our structure for the sake of the white man and the black. Those who lend a helping hand to put it in its place will, I think, deserve well of their country. He who does most toward incorporating it in the Constitution may hope to be heir to the praise, once not well bestowed: "*Urbem lateritiam invenit, marmoriam reliquit.*"

The first breach between the President and Congress was February 19, when the Freedmen's Bureau bill was vetoed. Mr. Conkling voted for it.

Mr. Conkling presented, February 26, a petition signed by Lieutenant-General Grant, Major-General Howard and others, to the effect that the act of March 3, 1863, may be so amended "as to permit soldiers' memorials to pass through the mails upon the payment of usual postage on printed matter."

In March, 1866, in his remarks upon the "Loan Bill," he said:

\* \* \* Gold and silver are the measures and standards of value: the honest standards, the world's standards, the real standards. Why? Because they are money. \* \* \* Coin is the

true standard of value in the commercial world because it represents the cost of production. That is the difference between a metallic and a paper currency. Its value is not alone in its being stamped or called "money."

"The rank is but the guinea's stamp."

A silver dollar or a gold eagle represents the cost of producing it, with a trifling difference, perhaps, arising from the expense of coinage, and the alloy which hardens it against attrition and keeps it out of the crucibles of other nations. What does paper represent? If redeemable in coin, it represents the metallic value behind it; if irredeemable, it represents nothing in itself; it simply is evidence of a promise to pay.

\* \* \* \* \*

I was here when the "legal-tender" policy was launched. I remember the contest well. The financial question was then, even more than now, the overmastering public question. It was the only rock on which we could split, and we all examined ourselves to see we made no blunder which consideration could avoid.

I gave my vote and voice against taking the first step toward driving coin from circulation. I believed then, as I believe now, that the hour had not yet come when it was impossible longer to postpone suspension. \* \* \* Therefore I resisted the first motion to suspend specie payments, and I say to the gentleman that those who stood then for the old and approved ways will be able to stand now, and to go as far and as fast as sound discretion will permit in the path which leads to frugality and solvency.\*

\* \* \* Opposed as I was to the experiment of paper being resorted to at the time, dreading as I did, more than I ever dreaded any final result threatened by the war, the effect of a paper policy, I admit and assert that we have escaped, as we had no right to expect, the consequences and disasters of the measure.

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The subject of this memoir, on the following day, favored a bill providing that "no exemption from liability to State or municipal taxation shall,

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\* *Vide* speech on "The Public Credit" in Chapter X.

by virtue of any act of Congress, be held to extend to money on hand."

The President returned, without his approval, March 27, the famous civil rights bill; and about two weeks afterward Mr. Conkling voted with 121 others to pass this measure over the veto.\*

In the month of April, General Schenck called up for consideration a bill for the reorganization of the army, which had been reported by the Committee on Military Affairs, of which he was chairman.

Pending the discussion, Mr. Conkling moved to strike out the twentieth section, which made provision for the bureau of the Provost-Marshal General as a permanent bureau in the Department of War. General Grant, then Lieutenant-General of the Army, in a letter under date of March 19, 1866, had given an opinion that there were too many bureaus in the War Department, and that the office of Provost-Marshal General was unnecessary.

In the debate upon the motion to amend the bill, Mr. Conkling used these words: "My objection to this section is that it creates an unnecessary office for an undeserving public servant; it fastens,

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\* The titles of the bills which he voted to pass over the veto of Mr. Johnson are here given: "Reconstruction," "Tenure of Office," "Insurrectionary State," "Elective Franchise for the District of Columbia," the "Civil Rights" and the "Freedmen's Bureau" acts.

as an incubus upon the country, a hateful instrument of war, which deserves no place in a free government in a time of peace."

James B. Fry, of Illinois, was then Provost-Marshal General, and on the thirtieth day of April a letter written by him to a member of the House, and bearing date the twenty-seventh day of that month, was read from the desk of the clerk of the House.

That letter, in addition to many general and indirect statements of wrong-doing, contained four specific charges against Mr. Conkling :

*First* : That he had received improperly, if not illegally, the sum of three thousand dollars for his services as judge-advocate in the trial of Major Haddock, and for his further services in the prosecution of a class of deserters known as bounty jumpers.

*Second* : That in the discharge of his duties he had not acted in good faith in that he "was as zealous in preventing prosecutions at Utica as he was in making them at Elmira."

*Third* : That he "made a case for himself by telegraphing to the War Department that the Provost-Marshal of his district required legal advice, and that thereupon Charles A. Dana, then Assistant Secretary of War, had Mr. Conkling appointed to investigate all frauds in enlistments in Western New York, with the stipulation that he should be commissioned judge-advocate for the prosecution of any case brought to trial."

*Fourth* : Finally he said of Mr. Conkling: "He can therefore only escape the charge of deliberate and malignant falsehood as a member of Congress by confessing an unpardonable breach of duty as judge-advocate."

The letter and charges were referred to a com-



mittee composed of members of both political parties.

Witnesses were examined, arguments of counsel were heard, a thorough examination of the statutes was made, and at the end the Committee, with entire unanimity, submitted a report which was adopted by the House.

The concluding paragraphs of the report are in these words :

Your committee, having fully and carefully considered the charges against Hon. Roscoe Conkling contained in the letter of General Fry, are unanimously of opinion that none of the charges in the letter, whether made directly and openly or indirectly and covertly, have any foundation in truth, and that the conduct of Mr. Conkling in relation to each of the matters investigated by the committee has been above reproach, and that no circumstances sufficient to excite reasonable suspicion have arisen which could justify or excuse the attack made upon him in the letter of General Fry.

The several charges against the Hon. Roscoe Conkling, contained in the letter of General Fry, being unsupported by the testimony in any one material particular, although ample opportunity was afforded, at the cost of much time and expense, to enable the writer of that letter to furnish his proofs, the committee ought not to refrain from the expression of their condemnation of the deliberate act of a public functionary in traducing the official as well as the personal character of a member of the House of Representatives of the United States by the publication of a libel which he was so illy prepared to sustain. Indignities offered to the character or proceedings of the national legislature by libellous assaults have been resented and punished both in England and the United States as breaches of privilege ; and such assaults upon the official character of members have been held punishable as indignities committed against the House itself. The reason

for this rests upon the same ground as that which justifies the exercise of similar authority to punish for attempts by personal violence, menaces or bribes to influence the conduct of members in their official capacity.

Your committee deem it proper most earnestly to protest against the practice, which has obtained to some extent, of causing letters from persons not members of the House to be read as a part of a personal explanation, in which the motives of members are criticised, their conduct censured, and they are called to answer for words spoken in debate. Such attacks upon members, made in the House itself, and published in its proceedings, and scattered broadcast to the world at the expense of the Government, are, in the opinion of your committee, an improper check upon the freedom of debate, a violation of the privileges, and an infraction of the dignity of the House.

Your committee submit for the consideration of the House the following resolutions, and recommend their adoption :

*Resolved*, That all the statements contained in the letter of General James B. Fry to Hon. James G. Blaine, a member of this House, bearing date the 27th of April, A. D. 1866, and which was read in this House on the 30th of April, A. D. 1866, in so far as such statements impute to the Hon. Roscoe Conkling, a member of this House, any criminal, illegal, unpatriotic, or otherwise improper conduct or motives, either as to the matter of his procuring himself to be employed by the Government of the United States in the prosecution of military offences in the State of New York, in the management of such prosecutions, in taking compensation therefor, or in any other charge, are wholly without foundation truth ; and for their publication there were, in the judgment of this House, no facts connected with said prosecutions furnishing either a palliation or an excuse.

*Resolved*, That General Fry, an officer of the Government of the United States and head of one of its military bureaus, in writing and publishing these accusations named in the preceding resolution, and which, owing to the crimes and wrongs which they impute to a member of this body, are of a nature deeply injurious to the official and personal character, influence and privileges of such member, and their publication originating, as in the judg-

ment of the House they did, *in no misapprehension of facts*, but in the resentment and passion of their author, was guilty of a gross violation of the privileges of such member and of this House, and his conduct in that regard merits and receives its unqualified disapprobation.

S. SHELLABARGER, *Chairman*.

W. WINDOM.

B. M. BOYER.

B. C. COOK.

SAMUEL L. WARNER.

When the bill to repeal the tax on oil was before the House the subject of this biography both spoke and voted in its favor; and he has since been kindly remembered in the oil regions of Pennsylvania.

On June 13, 1866, the fourteenth constitutional amendment, consisting of five sections, passed the House, Mr. Conkling voting in the affirmative. It defined national citizenship for the first time and established its rights and privileges.

Three days later the President disapproved of it; but it was soon submitted to the several States. In the following January this amendment was ratified by New York; and the ratification was announced by the Secretary of State July 28, 1868.\*

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\* Mr. Conkling was disappointed by the narrowness of the scope given to the fourteenth amendment by the decision of the Supreme Court of the United States in the Civil Rights cases in the year 1883. The writer happens to know that he wrote to Mr. Justice Harlan, congratulating him on his dissenting opinion, and he takes the liberty of publishing the substance of his letter. He said:

“It is naked truth to say that it was read, not only with admiration,

On June 18 Mr. Fessenden in the Senate, and Mr. Stevens in the House, submitted the majority report of the Joint Committee on Reconstruction. It was a long document signed by twelve members, including Roscoe Conkling, Thaddeus Stevens, Elihu B. Washburne, George S. Boutwell and Justin S. Morrill.

Four days afterward a minority report was presented by Reverdy Johnson, A. J. Rogers and Henry Grider.

In July, 1866, the bill to preserve the neutral relations of the United States being under consideration, Mr. Conkling said :

\* \* \* My colleague, who says everything well, remarked that our neutrality laws have commanded the respect of other nations. \* \* \* Sir, there was a time when we might be the objects of this respect, the recipients of this approbation, if not with satisfaction, at least with indifference. That was in the time when we were in the midst of undisturbed prosperity. It was \* \* \* in discharging our obligations of neutrality as inscribed upon our statute-book, giving to them a broad and generous interpretation. But there came another time. There came a dark and portentous hour—an hour when we were no longer

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but with surprise at its strength of position. For many reasons I would you had never been summoned to the task of writing it. That the decision from which it dissents will stir potent and enduring forces I expect; and that what you have so clearly said will be widely accepted and adopted as truth, seen not only, but seen with the foresight of wisdom—I do not doubt. Several occurrences have already paved the way to a fresh consideration of the field covered by the discussion, and others are pretty sure to follow. Narrow as my outlook now is, I content myself with congratulating you on an opinion which cannot fail to add to your fame as a jurist and as a statesman."

prosperous, but when we were in time of trouble—in the throes of disturbing revolution. Then we were, as we had a right to suppose, to receive a just return for the hard faith we had so sacredly kept. Did we receive a just return? Did we receive any return which a proud and powerful people can brook?

\* \* \* \* \*

Look at the last four years. Begin with the *Trent* affair. Remember our harmless merchantmen burned at midnight in mid-ocean. Consider the Canadian raid upon Vermont and its issue. Recall the building of rams, and the fitting out of pirates; and then the laggard and shambling efforts to arrest them. Do not forget the recent incursion upon Canada, nor the rigorous fidelity with which the Government punished that incursion. Bear in mind the approbation with which that rigor was received in England, the gracious praise of the “Thunderer” of Fleet Street, and from which shall we derive consolation? \* \* \*

Mr. Conkling made, July 27, a stirring speech in the House concerning the admission of David T. Patterson (a Circuit Judge during the war) as a Senator from Tennessee. He closed the debate, and finally moved to lay on the table the joint resolution of the Senate and House.

The joint resolution read as follows:

*Be it resolved, &c.*, That Hon. David T. Patterson, a Senator-elect from the State of Tennessee, be admitted to his seat upon taking the usual oath to support the Constitution of the United States, and upon taking so much of the oath prescribed by the act entitled “An act to prescribe an oath of office, and for other purposes,” approved July 2, 1862, as is not included in the following words, to wit: “That I have neither sought nor accepted, nor attempted to exercise, the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States.”

This resolution was, upon motion of Mr. Conkling, laid on the table by a vote of eighty-eight to thirty-one.

Whoever reviews the Reconstruction period will see Mr. Conkling, with unfailing diligence and energy, when work was to be done, always present. He devoted his abilities enthusiastically to the re-establishment of order, and the enactment of just laws that should bear equally upon the weak and the strong, the rich and the poor, the proud and the humble.



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## CHAPTER XV.

### HIS LAST CONGRESSIONAL CAMPAIGN.

THE Union County Convention met at Rome, September 8, 1866. The meeting was called to order by Charles M. Dennison, of Rome, and on motion the Hon. Richard Hulbert, of Boonville, became the chairman.

After the customary routine business, the Convention took a recess and assembled later in the day, with the Hon. Alrick Hubbell, of Utica, as president, and Lewis Lawrence, of the same city, as the first vice-president.

James Rockwell, of Utica, moved the nomination of the Hon. Roscoe Conkling for representative in Congress and that the result be determined by a rising vote.

The motion was unanimously carried, every delegate rising to his feet.

Mr. Conkling was conducted to the platform, and spoke substantially as follows:

*Mr. President and Gentlemen of the Convention:* I return you my thanks for this generous and cordial greeting, and for the renewed mark of confidence it has been your pleasure to bestow. In

accepting the trust of representing, yet longer, the constituency for which you speak to-day, I can only assure you that in the future, as in the past, the wishes and the interests of the district shall be the guiding star of my actions, and that within the limits of my ability I will defend its honor against all comers.

\* \* \* \* \*

The great and glorious party you represent, having stood by the country in its darkest hours, and borne it in triumph through the most trying of human struggles, has still a mission unperformed. \* \* \* The will of the majority, lawfully expressed, must be the only king; the ballot-box must be the only throne, and before that every knee must bow. The President of the United States (Andrew Johnson), as he goes on his deceitful errand, with an imperial condescension, a supercilious patronage, which seem to ape Louis Napoleon, repeats from place to place, "I shall place the Constitution in the hands of the people."

This angry man, dizzy with the elevation to which assassination has raised him, frenzied with power and ambition, does not seem to know that not he, but the men who made the Constitution placed it in the people's hands. They placed Andrew Johnson in the people's hands also; and when those hands shall drop their votes into the ballot-box, Andrew Johnson and his policy of arrogance and usurpation will be snapped like a willow wand. \* \* \* Do not doubt, my friends, that Oneida County will bear herself justly and proudly in the work. Her people are not for sale; they can neither be brow-beaten nor bought. \* \* \* With a just regard for the rights of all sections, they will see to it that the Union and the rights of the people are so anchored as, in the language of one of the resolutions, to make fast the blessings of liberty, prosperity and peace.

Mr. Conkling's views on Reconstruction are well expressed in his speech at Mechanics' Hall, Utica, September 13, 1866. It was afterward printed in pamphlet form and would cover forty pages of this memoir; we have space for but one-fifth of it.

## It is entitled "Congress and the President; the Political Problem of 1866."

MR. CHAIRMAN AND FELLOW-CITIZENS:

In so far as this greeting implies personal regard for me, it only adds another to the many occasions scattered through twenty years, for which my gratitude is due to the people of this city and county.

\* \* \* \* \*

You believe your country is at stake now. So do I; and therefore we assemble under the institutions which our fathers made, and which give us, as the remedy for wrongs in government, the silent, potent vote, and enjoin upon us the duty to use it wisely.

\* \* \* \* \*

Concerning the debate on the report of the Reconstruction Committee, he said :

We examined hundreds of witnesses, pushing the sittings into the night. We called witnesses of every shade of opinion, refusing none that anybody wanted heard. Rebel and loyalist, civilian and soldier, officer and private, were all sought after, and members of the Committee, of opposite politics, were present to examine and cross-examine. This testimony is pregnant throughout, and no man is warranted in calling names, or assuming to know more of this question than other people, unless he has read what the witnesses swore to.

Here it is; it fills 814 pages of type too fine for an old man to read. Besides this, there are two hundred and sixty pages of documentary evidence.

How many, think you, have read it, of these gentlemen who have suddenly started up to take charge of the business of Reconstruction?

How many of them have taken the trouble to read a page of it, or to study the question at all in its various bearings, before undertaking to pronounce upon one of the greatest and most difficult problems in history? But then, after all, what are volumes of testimony, what are months of labor, compared to going

to Philadelphia\* and seeing a man from Massachusetts and a man from South Carolina walk into a convention arm in arm?

Who wants to fool away his time in investigating, after he has been to Philadelphia and heard Lee and Stonewall Jackson cheered, and the loyal people of the North lectured and denounced by rebels, in reply to serenades where Dixie was played?

Who wants to bother with dry facts, after he has imbibed inspiration from James L. Orr, a traitor to his country, a ringleader in rebellion, a man tattooed with broken oaths, and afterward a Senator in the Rebel Congress?

You and I, however, not having enjoyed these peculiar advantages, want to get at the facts in the old-fashioned way, just as we would go at any matter of business. Let us see, then, what the proof does establish.

It shows that the unseemly clamor of Southern rebels for immediate representation has certain objects.

*First*—To enable those who plunged the Southern States into secession to resume their old sway in the Government.

*Second*—To obtain pay for emancipated slaves.

*Third*—To make the nation pay for damages done by the war.

*Fourth*—To compel the United States to assume the rebel debt.

*Fifth*—If the rebel debt is not assumed, to repudiate the Union debt.

It shows that when the last of the Rebellion was beaten down, the insurgents would have accepted anything, but that, under the patronage of the President, everything is reversed.

It shows that lawlessness, disloyalty and contempt abound in the South, and that too where there was nothing of the sort until incited and emboldened by the course of the President.

It shows that by pardons, and by favoritism of other kinds, rebels have been lifted up, and loyal men have been put down, until treason is more fashionable and Unionism is more odious than it was during the war, and life and property, and the most sacred rights, are the sport of license and brutality.

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\* The speaker refers to the so-called National Convention which met at Philadelphia, August 14, 1866.

It shows secret organizations existing and increasing, having for their object hostility to the Government of the United States, and that in case of a foreign war the rebels would take sides against us.

Men who went to Philadelphia and danced before the king were called as witnesses, and on their oaths confessed convictions and views utterly destructive of the peace and existence of the United States.

In short the examination revealed a state of things which entirely prepared us for such atrocities as have since become notorious.

It prepared us to find that nowhere in the South was the Fourth of July celebrated except by negroes. It prevented our being much surprised when women and children were shot down for strewing flowers upon soldiers' graves. This happened in South Carolina, and James L. Orr says South Carolina is perfectly loyal; but then these women and children were black, and the tenants of those graves, though white, died for the Union, and they had no epitaph except the word "*Unknown*."

Alabama, too, so bewitching at Philadelphia, we were prepared to find, has not to-day a single loyal newspaper published in the State.

Memphis, with its tale of horror and of shame, gave no more surprise to those who had been through the Reconstruction investigation than did the fact that Forrest, the murderer and butcher of Fort Pillow, presided the other day in Memphis at a meeting to ratify the Philadelphia Convention.

Even New Orleans, with its masquerade of tyranny and carnage, surprised us not so much by the scenes that were enacted as by the fact that an American President should be found apparently falsifying despatches, in order to cover up his purpose to subvert free government in Louisiana and rear upon its ruins a despotism tempered by assassination.

Texas we were prepared to find, by this time, as Texas is, one vast arena of treason, violence and wrong.

Union men throughout the South—not black men only, but white men—fleeing northward for their lives, even a United States Senator-elect compelled to leave his State to escape murder, and

the rebels raised from supplicants to dictators. These are only such things as we reported would occur.

We found, therefore, that nothing could be more unnecessary, more unsafe, more mad, than to introduce such elements into the Government without first securing such safeguards as could be properly devised.

Mr. Conkling next discussed this proposition: Shall one rebel at the South have as much power as three white men at the North?

We found, moreover, that the downfall of slavery had rendered senseless and inoperative the provision of the Constitution apportioning representation. We found that four million negroes suddenly changed from slaves to freemen would, unless the Constitution was amended, give the Southern States hereafter twenty-four representatives in Congress and in the Electoral College, two-thirds of which would otherwise go to the North, making a difference of more than twenty-four in the result.

The Constitution as it stands, made when slavery existed, bases representation upon free persons, and upon "three-fifths of all others." *Now* there are no "others" than free persons, and hence the States that had slavery propose, in fixing their share of power in the Government, for the future to count every negro not as three-fifths of a man, but as a full man, and they say they shall vote for the negro, he being unfit to vote for himself.

By this management they will add two-fifths to the former voting power of the black race, and use that power to govern you and me. In New York 130,000 white people have but one representative in Congress, but one vote and one voice; but in South Carolina 130,000 whites will have three Representatives, three votes and three voices in Congress, if they are to be allowed to count in their blacks. Is this fair? Is it to be tolerated? Is a white man in Charleston as good as three white men in Utica? Are men, as the reward and result of rebellion, to be erected into a ruling political aristocracy?

We hear a great deal about a white man's government. What



sort of a white man's government would that be in which political equality between white men is impossible?

Waiving the principle and the right of the thing, look at the result.

The whole number of members of the House of Representatives is 242. If the old slave States are to be allowed to count their non-voting blacks, the next apportionment will give them ninety-four or ninety-six members. This lacks but twenty-six or twenty-eight of being a majority of all. In other words, twenty-six or twenty-eight votes from the North added to the Southern vote give them the House. Did you ever know the time when they couldn't get twenty-six votes from the North for anything they couldn't carry without?

The last Congressional election swept the North like a tornado.

We had had, two years before, something such a pretended "Conservative" movement as is being palmed off now; it wasn't so barefaced as this, and being the first time, it carried before the people found it out; it came within an ace of losing us the Government and the war, and it re-acted two years afterward, so that true Northern sentiment in the House of Representatives was stronger at the last session than it ever had been before, and yet forty or forty-one men were there to vote for the extremest Southern views.

When a report was made against paying for damages done by the war in Southern States, every Democrat but six, I am sorry to say, voted against it.

When a bill was passed to restore to Union men at the South the lands confiscated by the rebel Government, every Democrat voted against it, and every Union man voted for it.

Suits have been brought in the South against Union officers for property injured or destroyed in the war. Thirty-five hundred of these suits have been commenced in Kentucky alone. We passed a bill to allow these cases to be removed into the United States Courts, so as to get them before a more unbiased judge and jury, and every Democrat voted against it.

The orator referred then to the payment of the rebel debt.

Do you want to give up your interests once more to this alliance, with two-fifths added to the old slave power? Do you want to bind your country hand and foot, and lay it again on the altar at which it has been once offered up?

What would become of it? What would become of the pension roll of soldiers and their widows and orphans?

What would become of the public debt and the public credit? What would greenbacks, and five-twenties, and seven-thirties be worth?

The rebels who did the sleight-of-hand at Philadelphia said they would keep the United States securities good. I think they will too, because the Union people of the country are going to fix it that they can't make them bad.

But suppose you let them take control, what will they do?

Will they say to the North, You have beaten us in the battle; you have desolated our land with fire and sword; you have stripped us; you have annihilated four thousand million dollars by destroying slavery; you have compelled us to repudiate our debt; you have prevented our paying our creditors or soldiers; we are poor, we are naked, but we are going now to keep voting taxes on ourselves to pay the debt you made in destroying us? Will they say this? Is it rational to expect it?

Public debts are not repudiated by direct affirmative legislation. The want of legislation is enough to turn to blank paper every greenback in your pocket, every Government note or bond you hold.

A majority, or even less than a majority, in either House of Congress has only to fail to pass a certain bill, and bankruptcy, repudiation and ruin would come like an unforetold eclipse.

The rebel debt would not only go up in the market, as it did in England after the Philadelphia Convention, but the rebel debt and Southern war damages would become a stock to be bought up and lobbied through Congress. Men could make hundreds of thousands out of a single vote, and the most enormous corruption fund ever heard of in any country would be brought to bear upon the representatives of the people.

Are you ready for this? Are you ready to put up your rights,

your property and the honor of the nation to be raffled for by the murderers of your children and the betrayers of your country?

Are you ready, after staggering through four years of agony, to fool away and give away for nothing all you have struggled for the moment you have it in your grasp?

Congress and the Committee of Fifteen thought not. They thought the graves should grow green, that the cripples should have time to limp back to their homes, that the inky cloak should begin to disappear before the authors of our woes come back into the presence of their surviving victims; and that when they do come, it should be upon terms of equality with the rest of us, and with nothing more.

\* \* \* \* \*

Just here I want to inquire of my Democratic friends, where that darkening cloud of negroes is with which emancipation was to cover the North? Where is that black wave of laborers from the South which was to roll in upon us, to crowd out white men and reduce their wages?

Four years ago mobs were raised, passions were roused, votes were given, upon the idea that emancipated negroes were to burst in hordes upon the North. We said then, give them liberty and rights at the South, and they will stay there and never come into a cold climate to die. We say so still, and we want them let alone, and that is one thing that this part of the amendment is for.

With even the chance given them so far, and a hard chance it has been, they have done better than we are sometimes told.

The Reconstruction Committee took testimony on that point too, and I wish every one of you would read it. You would see, among other things, that more whites than blacks have been fed and clothed by the Freedmen's Bureau—in Tennessee, three to one; in Arkansas, for this month of September, the number of whites assisted is 35,000; of blacks, only 5,000.

So barefaced has become the pretence that the "Bureau of Refugees and Freedmen" has been for the sole benefit of the lazy blacks, that the President is taking on his stumping tour a wholly different tack.

Mr. Conkling concluded by the following allusions to President Johnson:

Now "the rich traitor" is courted and caressed, and the poor Unionist is butchered by the connivance of Andrew Johnson.

After Missouri has passed laws to prevent rebels from voting, and after the courts have sustained those laws, this frenzied usurper dares to tell a deputation of traitors that everything that can be done from Washington by military force will be done to insure rebels the opportunity to vote in Missouri, the laws of the State to the contrary notwithstanding.

Not satisfied with betraying the country by official action, and by secret plotting; not satisfied with conniving at the robbery and murder of Unionists, and the exaltation and reward of traitors at the South, he comes now to buffet and slander the Union people of the North, and to blacken the memory of their dead.

Let the people of the North sanction or submit to it, and throughout the South the worst impulse will be given to the public mind, and the worst results for the whole country will follow. Already a revolution and a dictatorship loom in the distance. But let the elections speak out in favor of the mild and safe plan of restoration proposed by Congress, and Southern men of all classes, seeing the folly of continuing resistance, will accept the terms proposed. Then we shall have a Union, not only of States and of people, but of interests, of rights and of hearts, and the nation will enter upon a career of prosperity untold in history or fable.\*

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\* The following reference to this speech, taken from the Lockport (N. Y.) *Journal* of April 18, 1888, may interest the reader:

MR. CONKLING'S WONDERFUL MEMORY.

We venture to recall just a fact illustrative of Mr. Conkling's wonderful memory, which came under the observation of the writer of this article, who in 1866 was city editor of the *Utica Herald*. Mr. Conkling came home that fall to speak at old Mechanics' Hall upon the exciting war and other issues of the hour. The *Herald* naturally desired a full report the next morning. It was impossible to have it, in those days, without the copy in advance. This Mr. Conkling furnished the city editor the afternoon of the evening he was to speak. That evening he delivered it almost word for word as furnished in advance, although the effort to every appearance was extempore. It made upward of eleven solid columns of the *Utica Herald*.

It is worthy of remark that during his canvass Mr. Conkling spoke at fourteen different towns.

A new era in the politics of the State was dawning. William H. Seward remained in the Cabinet and hence sustained the President's policy. His friends were neutral or hostile to the new order of things. Thurlow Weed had lost control of the political destinies of New York. Governor Reuben E. Fenton and Senator Edwin D. Morgan were not orators nor adapted for leadership. Mr. Conkling pulled the laboring oar, exhorted the younger class of men then coming forward and gave to the campaign an energy and enthusiasm which insured success in November.

In response to an inquiry from a committee of workingmen, he wrote the following letter :

UTICA, October 29, 1866.

*Gentlemen:* I have just received your note inquiring my views respecting the movement to reduce and fix the hours of labor which shall constitute a legal day's work.

Expressions of opinion in the nature of pledges made by candidates for office on the eve of election have never seemed to me well chosen modes of promoting the cause of truth. Such expressions, if not always questionable, can have little utility where those from whom they come have previously acted explicitly upon the subject to which they refer.

The inquiries you address to me relate to a question which was several times presented for action during the last session of Congress, and upon which my vote is repeatedly recorded. The *Congressional Globe* and the journals of the House of Representatives show all these votes. They are all in favor of reducing



the hours of daily labor, and you would perhaps be better satisfied by my referring to them and leaving the matter there.

It may not be amiss, however, to add that I have seen no reason to change the opinion heretofore expressed, in votes and otherwise, and that, never having knowingly given a vote or done an act hostile to the interest of human labor in the past, I mean never to do so in the future.

Your obedient servant,

ROSCOE CONKLING.

MESSRS. TREMBLY & BAXONDALE.

At a mass meeting of workingmen held in Utica on the next day Mr. Conkling spoke at length. His remarks are reported in the *Herald*, from which we give the following extract:

Mr. Conkling said that he felt honored by the invitation to address such an audience, and grateful for the warmth of their reception; that he would say, notwithstanding he was a candidate for office, that no greeting would be more welcome to him than one from the men who represent the enterprise and industry of the day. In saying this, he ascribed to workingmen honor in which he himself claimed some right to share. The amelioration of labor is one of the best methods of ennobling human nature and human character, by advancing human culture, human happiness and human opportunity.

\* \* \* The purpose of the meeting was not to instruct men how to vote or how not to vote, but to warn all parties, all candidates, and all hired runners for candidates, that they must never attempt again to put up such a cause upon the public or the private shambles. A handful of tricksters had attempted to mortgage the labor interest to certain political candidates, and had attempted to bind the bargain by palming off upon the public the formalities and pretensions of committees, meetings, processions, music and other apparatus, all paid for, and all insulting to the public judgment and the public sense. Such a transaction, if tolerated, or treated even with contemptuous silence, would injure, if it did not ruin, any cause.



\* \* \* No one would deny the propriety or patriotism of workingmen consulting their own interests in selecting the parties, the candidates, the measures to be supported or opposed. All classes of people should do this. The sewing woman whose slender earnings are invested in Government securities, whether through a savings bank or directly, does right in giving her voice, though she has no vote, for the party and the policy which she believes will make her most secure. Free Government is a great watch-dog, whose business it is to guard the rights and interests of the citizen, and no patriotism or duty stands in the way of so voting as to shape the action of Government according to the judgment and advantage of those who vote. \* \* \* Electioneering pledges were not the evidence sought by honest men looking after truth. Past acts, whether in public or in private station, previous records, the every-day walk and conversation of life, were the things looked for by all who know that actions speak louder than words. In this instance, a scheme had been contrived to catechize candidates, not in order to elicit what they had done, nor a free expression of their views, but to get an answer to certain concocted questions. This would have been suspicious, even if the purpose had been simply to make the answers public with a view to court votes. The evidence would have been of a suspicious character, even if it had been put fairly before the jury which was to pass upon it. But the managers thought the jury could not be trusted. Workingmen could not judge for themselves. They must have some one to "boss" them; and so this little "ring" of hired fuglemen had set up as schoolmasters, to discipline and instruct in their political A B C's the men who represent the enterprise and three-fourths of the business of Oneida County

\* \* \* \* \*

The election occurred November 6. For representative in Congress the whole number of votes cast was 23,523; of which Roscoe Conkling received 12,470, and Palmer V. Kellogg 11,053, thus giving the former a majority of 1,417.

Reuben E. Fenton, for Governor, had 12,431 votes, or thirty-nine less than Mr. Conkling.

The demonstration of the Unionists of Utica and vicinity, held in that city on the Saturday evening after the election (November 10), was imposing in point of numbers, and marked by a degree of enthusiasm in keeping with the occasion.

Mr. Conkling spoke substantially as follows :

*Fellow-traitors on the Northern Side of the "Circle :"*

For the compliment and kindness of this greeting, I beg you all to accept my grateful acknowledgments, and the assurance that I feel proud to stand shoulder to shoulder with you in the treason in which you are engaged.

You celebrate an event for which every patriot of every party ought to be glad, and thankful too, to that Providence which rules the destinies of nations and of men.

Four great States have just rendered a verdict for the safety and salvation of the nation; they have calmly considered the question proposed by Mr. Seward, whether they prefer Andrew Johnson "as President or as King," and the answer is; they don't prefer him as either.

Pennsylvania, Ohio, Indiana and Iowa have all solemnly registered their vows that blood-stained traitors shall not govern us, but that a ransomed country shall be ruled by loyal men. These four great States have branded and blasted the assumptions and usurpations of a passionate and perfidious President, and have spurned the menaces, the patronage, the bribes and the base appliances by which it was hoped the people might be corrupted and betrayed. Everything vile that can enter into politics has been banded together, and it has been beaten down by the virtue and courage of the people.

The jayhawkers, the bushwhackers, the guerrillas, the political bounty jumpers of all parties, locked arms to carry Andrew Johnson through, and he put into their hands, as pillage and plun-

der to be used to gain votes, all the patronage and jobbing of the Government. On the other hand, with nothing but right and duty to inspire them, the honest men of all parties locked arms to carry the country through, and the country is triumphant. Many honest men in the first instance gave their countenance to the movement for the President, but finding that they had been deceived and imposed upon, they have quietly ranged themselves under the banner of the Union party, and from this class has come a "ground swell" which carries all before it.

\* \* \* \* \*

Apostasy is not leadership. Frailty, disappointed ambition, or revenge do not lead a nation like ours in an epoch like this.

\* \* \* \* \*

The people, taking not only the Constitution, but their affairs generally, into their own hands, have marked out *their* policy in lines too strong to be mistaken. Seven States have done so. Maine and Vermont send united delegations by unwonted majorities. Little Connecticut, a Democratic State, in her local elections shows that a majority of six thousand free voices cry out against the one-man power domineering over the country in the interest of treason. Baltimore, where, only four years ago, a Massachusetts regiment could not march without being murdered, gives twenty-eight hundred majority for Parliament against King. Newark, in New Jersey, the only Northern State which voted for George B. McClellan, says, by twelve hundred majority, that no man shall hold a place in her city government who endorses Andrew Johnson. Iowa, dropping in the nomination the only member of her delegation who hesitated in Congress, sends a solid phalanx of earnest men. Indiana gives sixteen thousand majority for Congress, and five hundred even in the district formerly represented by Daniel W. Voorhees.

\* \* \* \* \*

Mr. Welles, "the ancient mariner," tumbled into Philadelphia, it seems, some thousands of non-residents, under pretence of employing them in the Navy-Yard there. Virginia, Maryland and Delaware seem to have furnished each its quota of rebels colonized in Pennsylvania to vote for Clymer, but all to no purpose. Eighteen thousand for Geary is the general result, three

members of Congress are gained, and the Lancashire district, whose representative Andrew Johnson says should be hung, has sent back brave Thaddeus Stevens by sixty-three hundred majority.

In the United States Senate the President has lost more than in the House. The Union gain in the Senate is three already. Corbett in Oregon and Cattell in New Jersey, are both gains, and Edgar Cowan has been frowned down by an indignant people, amid the jeers even of those who have made gain of his recency.

\*            \*            \*            \*            \*            \*

Congress has proposed an amendment to the Constitution, to make your securities and property safe, to insure the Northern people against being taxed hereafter to pay rebel debts or damages, and to make a loyal man at the North the equal of a rebel at the South, in place of leaving one rebel at the South the equal of three loyal men at the North in governing the country.

\*            \*            \*            \*            \*            \*

When Mr. Lincoln lived, we used to be told that the army of office-holders and the patronage of the Government carried elections. Now all this is reversed; everything of place and of power is in the hands of murdered Lincoln's foes; his friends have nothing but the faith he held, and that they mean to keep like "the jewel of liberty in the family of freedom."

He voted with eighty-nine others December 17, 1866, for a resolution proposing to impeach President Johnson.

## PART SECOND.

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1867.

### CHAPTER XVI.

#### THE YOUNG SENATOR.

THE Empire State was represented in the United States Senate by ex-Governor Edwin D. Morgan and ex-Judge Ira Harris. The term of the latter was about to expire on March 4, 1867, and the New York Legislature of that winter was called upon to elect his successor. During the previous December the press of the State, to a large extent, proposed Roscoe Conkling, and the movement was not confined to the Republican journals. Indeed, the younger and more progressive element in the party regarded him as the coming man.

He perceived the opportunity and was prompt to grasp it. He had studied the "situation" in every county of the State. He was confident of his own strength and influence with the leaders and easily secured their allegiance.

The canvass for Mr. Conkling collected round

him that band of powerful and able politicians who were afterward known as the "Stalwarts" of New York. He visited Albany and just before his nomination wrote the following *characteristic* letter to his wife. At the present day (1889), when the election of United States Senators is generally imputed to bribery, it is gratifying to note that Roscoe Conkling's political promotion was *not* due to an improper use of money.

DELAVAN HOUSE—with a pillow }  
to write on, in a bedroom next to }  
"Parlor 65," Sunday morn. }

My dear J——.

\* \* \* In an experience somewhat varied, tho' short, I have never been in just such a place. On reaching here Tuesday night, on entering the outer door I found myself in the midst of a crowd waiting, and after tossing round as it swayed, and shaking hands for a space, I came at last to the foot of the stairs, and went up with a rush to the two "ladies' parlors," which had "Private Parlor" on big cards hanging on them, and which had been set apart for me. Here the crowd took and held possession till about 3 o'clock next morning. Hundreds came and went, and until Thursday night this continued from early morning to early morning again.

\* \* \* The contest is a very curious and complex one. I could not write you the particulars even if you would care for them. But as it stands I can be chosen, and shall be, I think.

Great sums of money are among the influences here. I have resolutely put down my foot upon the ground that no friend of mine, even without my knowledge, shall pay a cent, upon any pretext nor in any strait, come what will. If chosen, it will be by the men of character, and if beaten this will be my consolation.

By-the-by, letters reached New York yesterday from Mr. Bryant, in Paris, asking his friends to make every effort for me. The



same from Parke Godwin. In many instances, some of which I shall tell you of, the quality of the support I have is so far above my deserts that it abashes me.

The gamblers say that I can have \$200,000 here from New York in a moment if I choose, and that the members are fools to elect me without it; only think of it !

But I won't weary you with all this. The whole thing has been amusing and instructive. No political result personal to me can disturb or excite me, and so I have been as well able as the idlest speculator to enjoy the oddities and lessons of the thing. \* \* \*

Affectionately,

R. C.

MRS. CONKLING, Utica.

The Republican caucus by which he was nominated for Senator was held January 9, 1867. The other chief candidates were the retiring Senator, Judge Ira Harris, and Noah Davis, then of Orleans County, since so distinguished on the bench in the city of New York. Fifty-five votes were necessary for the nomination.

Five ballots were taken, as follows:

|           | First. | Second. | Third. | Fourth. |
|-----------|--------|---------|--------|---------|
| Conkling, | 33     | 39      | 45     | 53      |
| Davis,    | 30     | 41      | 44     | 50      |
| Harris,   | 32     | 24      | 18     | 6       |
| Balcom,   | 7      | 4       | 2      | —       |
| Greeley,  | 6      | —       | —      | —       |
| Folger,   | 1      | 1       | —      | —       |

On the fifth and final ballot Mr. Conkling received fifty-nine votes, to forty-nine for Judge Davis. The Legislature elected him in due form.

Of the name "Republican," Roscoe Conkling

was not tenacious. When nominated for United States Senator, he, in his replies to congratulatory speeches, twice referred to the Republican party as giving up its existence, and being succeeded by the "Union party."\*

On the night of his election the new Senator received a perfect ovation at the Delavan House. His friends, giving way to their enthusiasm, bore him on their shoulders through the corridors. Considering Mr. Conkling's objection to having his person touched, this was a trying ordeal to pass through.

This rapid progress of a generous ambition was thus crowned with a double success, which, perhaps, had no precedent in New York politics. The new Senator took his seat, not only with the warm support and confidence of his own party, but with the best wishes of political opponents. Not a Democratic journal in the State of New York spoke unkindly of his election. The feeling of the more gallant of the Democratic party was voiced by one who declared that it "was a triumph, not of gold, but of intellect," and who congratulated the people of New York that they would "now be heard in

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\* This term was used during the early part of the Civil War, when an unsuccessful attempt was made to substitute for the Republican organization the *Union* party, as consisting of patriotic supporters of the Government without reference to former distinction. The proposition having been abandoned, Mr. Conkling's revival of the term was misunderstood and caused much comment.

the United States Senate chamber in a manner which will make the old State feel proud."

On the day after his election the Loyal League of Utica (which, as already stated, was a patriotic organization formed in 1863) assembled to celebrate the success of their standard-bearer. A series of resolutions recognizing his public services was adopted. These were transmitted to Washington by Dr. L. W. Rogers, the president. A few days later the Senator-elect expressed his gratitude in a letter which was published in the *Utica Herald*.

Mr. Conkling's great activity in politics made the county of Oneida a centre of political power.

To obtain patronage from an Administration which he despised was not in accordance with his feelings and convictions. He cast executive favor to the winds, *and would recommend candidates for office only when asked by the members of the Cabinet*, as may be seen by the following letter :

HOUSE OF REPRESENTATIVES,  
COMMITTEE OF WAYS AND MEANS, }  
WASHINGTON, D. C., January 28, 1867. }

SIR:—In conformity with your request that I recommend suitable persons for the Collectorship and Assessorship of my District (the 21st New York), now vacant, I have the honor to make the following recommendations:

*For Collector*, LEVI BLAKESLEE.

*For Assessor*, CHAS. M. DENNISON.

I have the honor to be, your ob't serv't,

ROSCOE CONKLING.

The Hon. HUGH McCULLOCH, *Sec.*, etc.

Although in the preceding chapters we have given in detail the official acts of Roscoe Conkling during his three terms in the House of Representatives, it will hardly be possible to present more than an outline of his Senatorial career.

Mr. Conkling entered the Senate March 4, 1867, Congress assembling at that date in obedience to a law just enacted.

Surrounded by such prominent associates as Oliver P. Morton, the "War Governor" of Indiana, Charles Sumner of Massachusetts, Zachariah Chandler of Michigan, and James W. Nye, formerly from New York, but afterward of Nevada, Mr. Conkling began his fourteen years of service in the Senate. It included the last two years of Andrew Johnson's term as President, from the period of his efforts to obstruct and defeat the Reconstruction laws, to his escape, by a bare minority of one vote, from removal by impeachment. Mr. Johnson denied the legitimacy of the new State governments recognized by Congress, and he also denied the validity of the Fourteenth Amendment.

Mr. Conkling was a member of the Committees on Appropriations, Judiciary, and Mines and Mining. Only twenty-seven States were then represented in the Senate; and, one of the Senators from Maryland being refused a seat, there

were but fifty-three in all. At the close of Mr. Conkling's first term, the Reconstruction period had ended, and Senators from eleven more States had been admitted, making in all seventy-six members. During his long service in the Senate Mr. Conkling often consulted with his townsmen, Mr. Justice Ward Hunt and ex-Governor Horatio Seymour, the one a Republican, the other a Democrat. He thus obtained two political opinions upon important public and private measures.

His maiden speech in the Senate was delivered March 23, 1867. The debate was upon the proposed impeachment of Henry A. Smythe, Collector of the Port of New York. Mr. Conkling's effort is thus described by the *Washington Chronicle*.

Roscoe Conkling then rose, and for twenty-five minutes electrified the Senate with a clear and convincing defence and justification of the New York Representative (Mr. Hulburd). When he had concluded, the Senate was checked in its purpose to treat the House imperiously, and unanimously referred the whole question to the Judiciary Committee. No new Senator has ever made in so short a time such rapid strides to a commanding position in that body as Roscoe Conkling.

The *Chicago Republican* of March 28 also thus described him :

\* \* \* Roscoe Conkling, the new member from New York, who, though the youngest man, as well as the youngest Senator, on the floor, is already the leader of the Senate. \* \* \*

The supplementary reconstruction bill, in which Mr. Conkling was much interested, was vetoed by President Johnson, March 23, the Senate having lately passed it without a division. This measure was repassed on the same day by a vote of forty yeas to seven nays. Mr. Conkling voted in the affirmative.

He had now become a prominent object of attention from the newspaper correspondents. Mary Clemmer Ames remarks:

\* \* \* His bearing is that of a lawyer. He is an elegant speaker. His voice, fine and penetrating, never lacks volume, but sometimes variety, and when not moved by excitement his falling inflections are monotonous and heavy.

Perhaps during his three terms as Senator, Roscoe Conkling was more frequently reported and described than any of his associates. His strong personality and picturesque manner of expression had made him a central figure. When the reporters in the gallery seemed to be short of topics they would write about him.

Both Houses of Congress voted to adjourn the extra session from March 30 to July 3. The President then called, by proclamation, a special session to meet April 1, which sat for eighteen days.

During the short recesses Mr. Conkling tried two important criminal cases. The first was that



of the People of the State of New York *vs.* Filkins, which was long held in vivid remembrance in Oneida County.

This case may be thus described :

In June, 1867, Mr. Conkling made one of his most brilliant efforts when acting as senior counsel in the famous trial of one Filkins, at Rome. This case and the circumstances will long be memorable in the history of Central New York. A family by the name of Loomis lived at Sangerfield, in the southeastern corner of Oneida County. There were a mother, two daughters and four sons, George, Grove, Plumb and Dennis. To all appearance they were well-to-do and respectable, owning a farm of two to three hundred acres, with good buildings, fine stock, abundance of help and other signs of thrift. As neighbors they were courteous, obliging and of pleasing manners. At this time, however, suspicion fell upon them. There occurred numerous instances of horse stealing and burglary, extending far into the adjoining counties, and evidence soon showed it to be the work of a single organized gang. The Loomises were ascertained to be at the head. Their house was the headquarters, to which resorted desperate characters from far and wide, men and women, experts in crime. It seemed impossible, however, to bring them to justice. When accused they were defended by able counsel, and if brought to trial the jury would fail to agree upon a conviction. Important witnesses would be spirited away, while others would be produced to testify to an alibi. Even indictments were surreptitiously taken away, and on one occasion the county clerk's office was burned by incendiaries on purpose to destroy the evidences of guilt. Ten years before, in 1857, one of the family had been indicted for forgery in Oneida County, and the District-Attorney, when going home late at night from his office, was set upon and his pocket-book robbed of the incriminating paper.

This Loomis gang was notorious over the continent. Even the *London Quarterly Review* and the *Westminster Review* had articles setting forth their crimes, as illustrating the impunity enjoyed by

lawless individuals in the United States. The patience of the community, however, finally gave way. An assemblage of people, exasperated beyond the pitch of endurance, took the matter into their own hands. Repairing to the Loomis farm, they set fire to the buildings and threatened death to those ever daring to rebuild them. Grove Loomis was beaten till his life was in imminent peril ; Plumb was suspended to a tree and let down barely in time to save him ; and George, the oldest and chief of the gang, was killed outright. These summary proceedings were effectual to disperse the surviving members.

At the head of the assailants was Filkins, a resident in the neighborhood. He was a powerful man, insensible to fear, and he held the office of deputy-sheriff. On the fifteenth of November ensuing he was indicted on the charges of murder and arson. The trial took place at Rome, in June, 1867, the Hon. Henry A. Foster presiding. The prosecution was conducted by Hiram T. Jenkins, District-Attorney, and John A. Martindale, Attorney-General ; and the defence, by Roscoe Conkling and J. T. Spriggs. Mr. Conkling called the attention of the court to the fact that the grand jury, instead of the evidence of witnesses in person, had accepted that of affidavits alone. He moved, therefore, that the indictment be quashed. The hearing of this motion was set down for the next morning. Mr. Conkling was on hand with a formidable array of authorities. He had also brought with him the English magazines having articles upon the inability of the civil authorities to bring the Loomis gang to justice. He read and commented on these, and portrayed in vivid colors the dire results of such irregularity as existed in the case of this indictment. His opponents could answer him only by generalities and vague declarations. The motion was granted and Filkins set free. It was a splendid triumph.

The Loomis brothers prosecuted the county of Oneida for the destruction of their buildings by a mob, and received a verdict for a small amount ; but their confederacy was utterly broken up, and the burned buildings were never rebuilt.

The following correspondence between Mr. Greeley and Mr. Conkling explains itself:

[Confidential.]

OFFICE OF THE *Tribune*, }  
 NEW YORK, September 7, 1867. }

*Dear Sir:* It is represented to me that the ex-rebels of a leading Southern State are disposed to organize under the Reconstruction acts of Congress, ratify the amendments, and send members to Congress who can take the iron-clad oath. If this should be done, would they not, in your judgment, be promptly admitted? Would they be, or would you favor their being, kept out till *the other* Rebel States should see fit to do likewise?

Yours,

HORACE GREELEY.

Hon. R. CONKLING, Utica, N. Y.

UTICA, September 14, 1867.

*My Dear Sir:* Just at home, I find your note. Replying to your inquiry—it seems to me that any State complying with the prerequisites to recognition ought not to be compelled to abide the event in some other State. On the contrary, the pioneer in good behavior should be commended in that character, as was Tennessee.

Truly Yours,

ROSCOE CONKLING.

The Hon. HORACE GREELEY.

Roscoe Conkling had not been in the Senate many months before Republican newspapers in some of the Northern States began to mention him as a possible candidate for the Presidency in the next year. General Grant then was not regarded with approval by many zealous Republican politicians. It became evident, however, as time elapsed, that the people were in his favor.

The Republican State Convention of 1867 met at Syracuse, September 25. The temporary chair-

man had no sooner announced the Committee on Permanent Organization than Senator Edward M. Madden offered a resolution instructing them to report the name of the Hon. Roscoe Conkling as president of the Convention. This was a point "scored" over the friends of Governor Fenton. On taking the chair that afternoon, Mr. Conkling made a forcible address severely censuring the acts and policy of President Johnson.

He next went from Syracuse to Binghamton to defend two physicians upon a charge of arson. This case aroused much public interest, and may be briefly described as follows:

Dr. T——, the founder of the inebriate asylum, was jointly indicted with Dr. G—— for setting fire to the institution. There was a strong local feeling against the defendants, and Mr. Conkling, as well as his associate, the Hon. Francis Kernan, was uneasy as to the result. The trial began in the court of Oyer and Terminer, September 30, and lasted several days. On the opening of the case, Roscoe Conkling moved that the defendants be given a separate trial. This motion was granted. The District-Attorney then decided to try Dr. G——.

This cause gave Mr. Conkling an opportunity to display his wonderful power over a judge and jury. Several hours were spent in examining talesmen before a single juror was chosen.

The Senator raised many points, and, under the pretext of addressing the court, was really seeking to influence those spectators who were liable to be called as jurors. After the trial had begun and much testimony had been taken, Mr. Kernan moved for an acquittal, but the motion was denied. Mr. Conkling, in his turn, then summed up at great length for the defence; and the jury, after having retired for deliberation, returned in five minutes with a verdict of *not guilty*. Judge Balcom, who pre-

sided, then ordered the indictment against Dr. T—— to be quashed.

It has been stated in preceding chapters that Senator Conkling defended many persons under indictment for arson, but the case at Binghamton seems to have been the last criminal cause in which he accepted a retainer. During the remainder of his public life his legal practice was chiefly connected with corporations that were litigants in the district and circuit courts of the United States.

Soon afterward the Senator was asked to address the Republicans of the city of New York, and wrote a long letter explaining his inability to attend.

Mr. Conkling made a long speech at Utica, October 31, devoting himself chiefly to his specialty of Reconstruction.

The election was held November 5 and the Republican ticket defeated.

The second session of the Fortieth Congress began December 2, 1867.

The parliamentary history of Roscoe Conkling, from this period to his resignation from the Senate in 1881, would be a history of the legislation in that body. He took such an active part in the debates, speaking sometimes even four successive hours, that his utterances alone would fill a large volume. We give the substance only of some of his principal speeches and occasional extracts from the debates.

While in the Senate Mr. Conkling was one of

its most industrious members. He was seldom out of his seat. He rarely took part in a discussion, except when the matter under consideration was of importance to the country, or at least to the people of his own State. He was nevertheless a careful listener, and would put questions to the Senator on the floor which showed him thoroughly conversant with the whole matter. Often when he seemed to be absorbed in reading letters or newspapers, or in writing, and utterly unconscious of what was going on, he would in an unexpected moment interrupt the person speaking with a question or suggestion that showed him attentive all the time to what was said.

He carefully scrutinized the character and antecedents of new Senators, and studied their strong points as well as their infirmities. He watched their action and characteristic displays when they did not suspect it, and made a critical measurement of every one. When any of them made his first address in the Senate, Roscoe Conkling was certain to listen attentively. Many felt this to be a compliment, but to most of them it was painfully embarrassing. In this way he made himself able to predict every man's action with certainty. On one occasion, in conversation with the author, he thus analyzed certain members. He said, "Senator A. has been in the army; he has very decid-



ed views on this subject; Senator B. is a lawyer, and open to conviction; and Senator C. is here to watch certain interests, and will not favor this bill."

Mr. Conkling continued to act his part in Reconstruction legislation, and spoke at length upon this subject in February.

The chief topic of the session was the impeachment of Andrew Johnson, the only President that has ever been impeached. After a long debate, the House passed a resolution (February 24) to impeach him. For several days the Senate considered the measure, and the members were sworn by the Chief-Justice, March 5.\*

The famous trial began March 13. In Mr. Conkling's copy of the eleven articles of impeachment he underscored those relating to the removal of the Secretary of War, Mr. Stanton, in violation of law.

Five of the most eminent lawyers in the United States defended the President. Their names are Benjamin R. Curtis, William M. Evarts, Henry Stanbery, William S. Groesbeck and Thomas A. R. Nelson.

Mr. Conkling made no speech, nor did he deliver any written opinion during the trial, but he took an active part in the proceedings.

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\* To show that nothing escaped him it may be stated that, in his remarks concerning the admission by ticket of visitors to the gallery, Mr. Conkling said that he had ordered an inspection of the seats, and that their capacity was limited to 876 persons by close count.

While the impeachment was in progress he received from constituents two long open letters favoring the President. One was written upon one of Mr. Conkling's own utterances, viz., "There is power in the honest sense of men." Both letters were learned and historical. They sustained the arguments of the President's counsel, notably that of the Hon. Benjamin R. Curtis. These publications give but a faint idea of the strong speculative sentiment on the side of the accused in the North.

The test vote upon impeachment was taken May 16. With regard to the "eleventh article," thirty-five voted "guilty," and nineteen "not guilty."

Roscoe Conkling stood for conviction in company with Anthony, Cameron, Chandler, Edmunds, Frelinghuysen, Morgan (his colleague), Morton, Nye, Sherman, Sumner, Wade and other Republicans. Of the nineteen who favored acquittal, nine were Republicans, including Fessenden, Grimes and Trumbull; but these nine members were severely criticised by the Republican press, and it was rumored that improper influences had been brought to bear upon some of them.

A motion to adjourn until July 1 was made upon the same day, but it was defeated by a vote

of twenty to thirty-four, Mr. Conkling voting in the negative. After further debate upon a motion to adjourn "without day," it was agreed that the Senate should meet again on the twenty-sixth instant. In the interval Senator Conkling suffered severely by illness, and it was feared that he could not resume his seat at the next sitting. He, however, dispelled this belief. If unable to walk, he declared *he would be carried to the Senate chamber on a shutter, with the vote "GUILTY" pinned to his coat.*

The trial closed May 26, when the Senate, as a court of impeachment, met for the last time. After a brief debate the roll was again called upon the articles of impeachment.

The result was unchanged, as but thirty-five still voted for conviction, and nineteen for acquittal. Two-thirds, or thirty-six votes, being necessary, the Chief-Justice pronounced Andrew Johnson "not guilty" of high misdemeanors as charged in the articles of impeachment. Thereupon the Senate, sitting as a court of impeachment for the trial of Andrew Johnson upon charges formulated by the House of Representatives, adjourned *sine die*.

Mr. Conkling did not hesitate to make it known that the failure to convict Andrew Johnson was to him a great disappointment, and during the re-

maining year of the President's term, he was in the front rank of his antagonists.

During the impeachment trial he received from Professor Louis Agassiz the following letter :

*My Dear Sir:* Will you permit me for half an hour to forget that you are a Senator for New York, and allow me to have a little talk with you on a matter I hold to be of the highest importance.

The greatness of a nation in our days can no longer be measured by its military power, nor by its wealth, nor even by its industrial activity. What it does for the advancement of the human mind, for the expansion of the grasp which that mind exercises for good upon all the material powers of the earth, and the human intellect itself, that is the true standard of national excellence; and I believe that, before you have reached this climax of active life, it will be so acknowledged by all nations in whom the spirit of freedom has the slightest root.

Only three times, thus far, has the United States Government done anything directly for the advancement of human knowledge; for, as long as it does not provide for its National Academy and only gives it a charter, I do not think the organization of that body can be quoted as a fourth instance. The first example is that of the United States Exploring Expedition, which, with all its defects, has done more to establish our character abroad as an intellectual nation than anything else outside of our political organization.

The second case is that of the National Observatory since it has been allowed to do scientific work besides regulating the chronometers of the navy.

The third is the Coast Survey, with its annually recurring struggles for existence. It is the present condition of that great organization which induces me to write to you. I learn from my friend Pierce that there is danger of a curtailment of the appropriation. I believe that it would be a calamity for the nation were such an undertaking reduced in its operations. The Coast Survey is essentially the nurse of all higher science in the country. Through

it are carried on, and by it are supported, in the regular course of its operations, those higher researches in physical geography and physical astronomy for which neither our colleges nor our local academies have any place. The reduction of the appropriation for the Coast Survey would not only be an interruption of one of the most useful works carried on by Government (and during the war it may be fairly said that it was the right arm of the Navy), but it would at the same time kill the career of the few men we have who prefer the modest existence of a scientific life to that of more remunerative pursuits.

It is a thousand pities that our public men do not keep more constantly in mind the intellectual interests of the nation, and that their best efforts in that direction amount only to rhetorical flourish.

I know how truly you can appreciate these things, and it is, therefore, to you I now appeal to do your share for the maintenance of one of the glories of this country. It would be worthy of your great powers and general culture to stand as the champion of the highest learning in the land, and I am not the only one who entertains that hope of you.

Permit me to inscribe myself,

Very truly yours,

L. AGASSIZ.

HON. ROSCOE CONKLING,

CAMBRIDGE, April 6, 1868.

You will excuse me for writing by a friend's hand; but I have been confined to my room for a fortnight by a severe fit of illness, and do not yet feel even up to the exertion of writing a letter except by dictation.

As a member of the Judiciary Committee Mr. Conkling strenuously insisted upon the strict enforcement of the tenure of office act of 1867. The President was removing the federal office-holders who refused to approve of his policy, and filling the vacancies with his own followers. That

law had been enacted to prevent his "revolutionary" measures, and the vital section of it was that if the person named was not confirmed by the Senate the present incumbent must retain the office during the recess of Congress.\*

In his *Reminiscences*, Ben Perley Poore says :

In the great struggle which ensued between the President and Congress, the Senate was really under the leadership of Roscoe Conkling, although Sumner, Fessenden and Wade each regarded himself as at the head of the Republicans in the Upper House. Mr. Conkling was at that time a type of manly beauty. Tall, well made, with broad shoulders and compact chest and an erect carriage, he was always dressed with scrupulous neatness, wearing a dark frock-coat, light-colored vest and trousers, with gaiters buttoned over his shoes. His nose was large and prominent, his eyes of a bluish-gray hue, surmounted by heavy dark auburn eyebrows; his side-whiskers curled closely, and his hair ran down with a sharp point into the middle of his broad, bald forehead, where it rose in a curl. His language was elegant, and when he spoke on the floor every word was clearly enunciated, while slow and deliberate gestures lent effect to what he said. At times, when his features would light up with animation, his deep nostrils would quiver, and lengthen into the expression of scorn, which would often lash an opponent into fury. His manner toward strangers was at times dictatorial, but his personal friends worshiped him, and they have never thrown off their allegiance.

During April Mr. Conkling took a leading part in the debate on the naval appropriation bill. The time for the nomination of a Presidential candidate was approaching. The general sentiment

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\* During the following winter (February, 1869) Senator Conkling, considering the coming inauguration of General Grant, spoke in favor of amending this law on account of the exigency for it having been passed.



throughout the North had indicated General Grant as the man.

The Republican National Convention met at Chicago in the month of May, 1868. General Joseph R. Hawley was chosen permanent president. The hero of Appomattox was nominated without opposition on the informal ballot. There was a contest for second place, Governor Reuben E. Fenton being one of the four aspirants ; but Senator Conkling's friends bitterly opposed Mr. Fenton, and after six ballots Schuyler Colfax, of Indiana, received the nomination. The Democrats met in National Convention, July 4, at Tammany Hall, New York. Horatio Seymour presided over its deliberations. On the twenty-second ballot he was nominated for President, and Francis P. Blair, of Missouri, was given the place for Vice-President. The Senate adjourned July 26, to meet again September 21. No quorum being present, further adjournments were made till October 16 and November 10. The three adjourned sessions lasted but a day each and the Senate did not convene until the regular day in December.<sup>7</sup>

When Mr. Conkling left Washington and returned to Utica in August, he was complimented with a serenade at the Butterfield House. The members of the Loyal League were present in force, and the Senator, appearing upon the bal-

cony, briefly addressed the company. Among other things he said :

When a man's neighbors, who have known him long and well, who know his errors, his foibles and his faults, still give him their confidence and respect, when, returning after a long absence, he finds that a place has been kept for him on the roll of kindly remembered names—that man, whoever he may be, is the recipient of the greatest gratification, the greatest satisfaction that man can give or take away.

He then exhorted his hearers to support the Republican candidates on the Presidential and State tickets, saying that “the peace, prosperity and progress of the country hang upon the election of Grant and Colfax, of Griswold and Cornell.”

At this time Mr. Conkling bought the Miller mansion in Rutger Park, Utica. It is worthy of remark that he purchased it out of the proceeds of a single year of legal practice, thus showing what he had earned during his late absence from public life and how much he was losing by resuming his place in Congress. This house became his permanent residence, and so it remained till his death. Even after resuming the practice of law in the city of New York he always returned to Utica to vote. His pleasant home may be thus described :

The house is square and of stuccoed stone, two stories high and painted gray. Its architecture is somewhat antiquated. It has an old-fashioned portico in front, an old-fashioned square roof, and two great chimneys on either end. The glass in the windows is of the small panes in use sixty years ago. The shutters on the

outside are of the olden kind. The only thing modern about the place is a private telephone wire. The lawn is spacious, and with flower-beds artistically arranged. It is inclosed by an iron fence, the front gates of which are always open. From the portico one looks across Rutgers Street and down John Street.

The interior, though not elegant, is comfortable. The front-door opens into a broad hall, with dining-room and billiard-room on the one side and spacious parlors on the other. On the walls of the hall several antlers of elk and deer are hung. The Senator prized them highly, for they were brought from the Rocky Mountains by him at great inconvenience. The hall is also ornamented by oil portraits of Senator Conkling's parents, and engravings of Grant and Sheridan.\* The most interesting part of the house is, perhaps, the library on the second floor. Here the Senator held frequent conferences with his political lieutenants and prepared many forensic arguments and campaign addresses. Several book-cases are filled with valuable volumes, most of which pertain to modern history, literature and jurisprudence. The walls are adorned with favorite photographs and engravings, among which are those of Lord Byron, Daniel Webster, ex-Senator W. W. Eaton, of Connecticut, and President Santa Anna, of Mexico. The last-named was presented by the President to Judge Conkling during his official residence in Mexico. This house, as already stated, was always regarded by the Senator as his residence and it is still (1889) occupied by his widow.

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\* Several years later Generals Grant and Sherman visited the Conkling mansion.

1868.

## CHAPTER XVII.

A TRIP TO THE ROCKY MOUNTAINS—THE PRESIDENTIAL CAMPAIGN—FINANCIAL BILLS IN THE SENATE.

IN the summer of 1868 Senator Conkling made his first trip to the Rocky Mountains. He was accompanied by Mr. Justice Ward Hunt, Professor Louis Agassiz, the Hon. Samuel Hooper, Dr. W. H. Watson (his family physician), Mr. E. F. Shonnard, the Hon. Richard Franchot, the Hon. Alfred C. Coxe (now United States Judge for the Northern District of New York), and Mr. P. V. Rogers.

On the outward journey the party stopped at Harrisburg, Pa., to visit Simon Cameron, who was a warm friend of Senator Conkling. Here Mr. Conkling heard with deep regret of the death of his old counselor and Congressional champion, Thaddeus Stevens. A trip was then made to Galena, where the party visited General Grant. The great General gave them a social reception, to which a large number of the citizens were invited. After returning to the special train,

the Senator said to one of the party : "That little man, no matter what his detractors may say of him, is to-day the most conspicuous figure on this planet. No man has accomplished more."

From Galena the party took the train for Dubuque, and thence to St. Louis. In driving about the latter city Mr. Conkling viewed with admiration the statue of Thomas H. Benton. He walked around it again and again, apparently loath to leave the commanding presence of Missouri's great Senator. An excursion to Pilot Knob was made, where on the highest rock a bottle of wine was opened, and the health of General Grant was drunk amid cheers ; after which the tourists returned to St. Louis, where General W. J. Palmer joined the company. They then proceeded to Kansas City. The next stopping-place was Lawrence, where the Senator made the first speech of the journey. A serenade was tendered to him at his hotel, to which he responded in a happy vein.

Going westward by way of Fort Wallace the party traveled to Fort Harker, Kansas, which was the temporary terminus of the railway. Here Mr. Conkling met his friend General P. H. Sheridan. The pair walked together about the fort, to the amusement of the bystanders, who seemed to say, "There is the long and the short of it." The remark was justified by the fact that Senator Conk-

ling was six feet three inches tall, while the height of the hero of the Shenandoah did not exceed five feet four inches.

At Fort Harker an escort of cavalry was furnished to the company (several Indian tribes being on the war-path) when they started for Colorado, some in ambulances and some on horseback. Mr. Conkling showed his love for horses by riding all the way to Denver. From Fort Harker to Denver they camped every night on the plains; and Mr. Conkling became much attached to General Palmer.

One night, after the party had retired, these two gentlemen paced the ground and engaged in conversation. Their associates in their tents could see their forms by the dim light of the camp-fire. For a full hour they walked to and fro, during which time Senator Conkling recited to his companion many passages from the speeches of his old Congressional associate, Thomas Corwin. Of these, his favorite selection from the orator's famous denunciation of the Mexican War was as follows:

When Moscow burned, it seemed as if the earth was lighted up, that the nations might behold the scene. As that mighty sea of fire gathered and heaved, and rolled upward higher and yet higher, till its flames licked the stars and fired the whole heavens, it did seem as though the God of the nations was writing in characters of flame on the front of his throne that doom that shall



fall upon the strong nation which tramples in scorn upon the weak.

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And France, *she* too has found "room." Her "eagles" now no longer scream along the banks of the Danube, the Po and the Borysthenes. They have returned home to their old eyrie between the Alps, the Rhine and the Pyrenees. So shall it be with yours. You may carry them to the loftiest peaks of the Cordilleras; they may wave with insolent triumph in the Halls of the Montezumas; the armed men of Mexico may quail before them; but the weakest hand in Mexico, uplifted in prayer to the God of justice, may call down against you a Power in the presence of which the iron hearts of your warriors shall be turned into ashes.

Mr. Conkling enlivened the trip by many quotations of poetry, especially some passages from Scott, Byron and Macaulay.

Leaving Denver, an excursion was taken to Georgetown and Boulder. Mr. Conkling and the younger tourists were mounted, while the older gentlemen (Mr. Justice Hunt and Professor Agassiz) took the ambulance. The ascent of Gray's Peak was very difficult. When near the summit a heavy snow-storm, accompanied by terrific thunder, completely obliterated the narrow path. Most of the party abandoned the attempt; but the Senator, leading his horse up the dangerous trail, succeeded in reaching the highest point. From Boulder the travelers drove to Cheyenne by stage-coach, one of the last trips of the overland mail coaching service.

The company next went westward by rail to

Bitter Creek, in Wyoming. The latter point was then the terminus of the railway, and was occupied by a party of railroad builders, who were laying a mile of track a day. Several weeks had now been spent in the tour, and the party turned their faces homeward. They traveled directly to Omaha by the Union Pacific line. Thence the Senator and his friends returned to Utica, having been absent about six weeks.

During the following winter (January 25, 1869), in a Senatorial debate, he thus referred to his trip to the far West.

The honorable Senator from Kansas [Mr. Pomeroy] at the last session corrected my geography in reference to Pike's Peak. He thought I supposed it to be much further south than in truth it is, and he left upon my mind the impression that one who began at Atchison and journeyed westward, even as far to the north as this road points, would some time or other encounter Pike's Peak. Since that time, Mr. President, I have seen Pike's Peak—a vision not to be forgotten; and as I saw it in its picturesque vastness, with its cap hidden in the clouds, I could not help wishing that it might be seen by that multitude of Americans who turn their backs upon their own country, which they never traverse in its unending stretch and grandeur, and bend their steps to the Alps, the Rhine and the Pyrenees.

Returning to Utica on or about the first of October, the Senator entered in earnest the political campaign. He exerted himself to defeat Mr. Seymour, his own brother-in-law, and to elect Ulysses S. Grant. He spoke a week later at Cooper Insti-

tute, New York. The entire speech was reported in the *Utica Herald*. On that occasion the speaker discussed chiefly the Finances, the Fourteenth Amendment, Reconstruction and the Pacific Railroad.

He next spoke in Western New York, and then returned to Utica and devoted his energies to swelling the majority in his county.

While walking, one day, with his old friend Benjamin Allen, he met and shook the hand of a swarthy Irishman who was in the employ of the latter. Mr. Allen said:

“Senator, Black Paddy as we call him, has turned Democrat.”

“How so?” replied Mr. Conkling. Mr. Allen answered, “Because he’ll vote for Governor Seymour.”

The Senator at once asked for an explanation, when the Irishman, getting himself out of the difficulty with the ready wit of his nation, said, “Shure, sir, oi’m payin’ ye a compliment in votin’ for yer brother-in-law.” That time the Irishman had the advantage in the argument.

At the national election Grant and Colfax carried every Northern State except New York and New Jersey, receiving 3,012,833 votes, against 2,703,249 for their opponents. In the electoral college the Republican candidates obtained 214 votes, while the Democrats had but eighty.

In the State of New York the immense number of fraudulent naturalization certificates issued had enabled the Democrats to obtain such a majority that they counterbalanced the vote north of Harlem Bridge. Hence John T. Hoffman was declared to be duly elected over Mr. Conkling's personal friend, John A. Griswold, of Troy. A few years later the Senator said, publicly, "It is a well-known fact that John T. Hoffman was counted in as Governor over John A. Griswold."

During the last session of the Fortieth Congress Mr. Conkling took a leading part in opposing the new subsidy to the Union Pacific Railroad Company, the repeal of the tenure of office act, and especially in financial legislation.

In January, 1869, the bill to guarantee the interest (involving \$2,400,000) on the bonds of the Central Branch Union Pacific Railroad Company, and to appropriate nearly two million acres, was before the Senate for consideration. The subject of this memoir, in a long speech, denounced the measure, and it was beaten by the close vote of twenty-six to twenty-seven.

He also introduced a bill to encourage domestic ship-building and foreign commerce, and to carry foreign mails by United States vessels.

By request of many bankers and merchants, he offered in January "a bill to prohibit secret sale"

or purchases of gold or bonds on account of the United States, and for other purposes," which was regarded as the most important measure of the short session. It was warmly endorsed by the Boards of Trade in the large cities.

The annexed resolution explains itself.

At a stated meeting of the Philadelphia Board of Trade, held on Monday evening, February 15, 1869, the following Resolution was unanimously adopted, and ordered to be forwarded to both Houses of Congress:

*Resolved*, That the Philadelphia Board of Trade heartily approve of the bill of SENATOR CONKLING entitled "A bill to prohibit secret sales or purchases of gold or bonds on account of the United States, and for other purposes"—Senate file 821—and do earnestly recommend its enactment as a law at the earliest practicable time, as tending to insure fairness and impartiality in the transactions of the Treasury Department, and to relieve the business interests of the country from the risks and fluctuations chargeable to secret and unforeseen dealings in the public funds.

JNO. WELCH, *President*.

Extracts from the minutes.

A. J. PERKINS, *Secretary*.

Similar resolutions were adopted by the Chamber of Commerce of the State of New York and by the Board of Trade of Chicago.

1869-1871.

## CHAPTER XVIII.

SENATOR CONKLING AND PRESIDENT GRANT.

UP to the inauguration of Mr. Johnson, the recognized Republican leader in New York politics was William H. Seward; but, as we have said in a previous chapter, his adherence to the accidental President cost him his political life as the head of the party. By sheer force of will and character, and without federal patronage, Mr. Conkling won the mantle of Seward. In New York no man in any political party has since equaled him as a leader. He had not the graces and winning methods of Horatio Seymour nor the shrewdness of Samuel J. Tilden, but he surpassed both in brilliancy and in strength.

General Grant was inaugurated as President March 4, 1869, and at the same time Reuben E. Fenton became Senator Conkling's colleague. In Chapter XVI. it was stated that the latter had chiefly controlled the State Convention of 1867. During his two terms as Governor (1865-1869) Mr. Fenton had secured a strong personal following,



and was to some extent a rival to Mr. Conkling as candidate for leadership in the Empire State ; but it is not too much to say that the subject of this memoir, without federal or State patronage, soon controlled the Republicans of New York.

Senator Fenton first sought, and obtained, the ear of the new President, who conferred upon his friends the most desirable offices in the State. He was a man of plausible address and an adept in political management. He claimed credit for every appointment regarding New York, although in some cases he had not, strictly speaking, suggested the name of the appointee. On the other hand, Senator Conkling made no efforts to obtain "recognition." He lived in a sort of dignified retirement, and seemed to act upon the principle that "all things come to those who wait." A friend familiarly told him that "his colleague would pick all the cherries off the tree " unless he hastened to see the President. In common with some other Republican Senators, he did not understand General Grant, who was, of course, without experience in the civil service of the nation. For a full year matters remained *in statu quo*.

At this time all of the Southern States were not reconstructed, and during Grant's first term the famous fifteenth amendment to the Constitution of the United States was ratified. For several

years the President and Congress, sustained by the people at every election, struggled with the rebellious South for the restoration of order and the execution of the laws enacted to enforce the new constitutional guarantees.

Mr. Conkling, as chairman of the Committee on the Revision of the Laws, and on the floor of the Senate, greatly aided the new Administration. The Judiciary Committee (of which he was a member) reported March 25, 1869, a bill amending the tenure of office act of 1867. The main feature of it was that the President was empowered to remove, without giving reasons, Cabinet and other civil officers during the session, subject to the action of the Senate, provided the Senate should fill the vacancies; and that during the recess the President could suspend and appoint to office until the end of the next session.

It is worthy of remark that Mr. Fenton, under instructions of the New York Legislature, favored the repeal of the tenure of office act, while Mr. Conkling disregarded the dictates of a body that did not elect him. This extra session of the Senate lasted but a few weeks, and just before adjournment he did a good service in defeating the measure for the extension of an old land grant to the St. Croix and Lake Superior Railroad Company. He showed that it was a wanton waste of

the public domain for the benefit of two Canadian speculators.

It was an " off " year in politics. There was no State campaign in the autumn; and Senator Conkling devoted the long recess to rest and occasional legal practice.

In November, 1869, a very important suit for damages was tried at Utica. It was brought by Norman T. Smith against the New York Central Railroad Company, for injuries received while serving as engineer of a special train running from Syracuse to Albany. The plaintiff was acting as pilot to the regular engineer. A party of railway officials (the treasurer, counsel, superintendent and several directors) who were on the special train wished to reach Utica in time to partake of a sumptuous repast prepared for them at Bagg's Hotel. The engineer was told to hurry, and the train rushed along at the rate of sixty miles an hour. When Oriskany, a station four miles from Utica was reached, a gravel train going in the same direction was perceived, and although the plaintiff whistled " Down brakes ! " so great was the speed of the special train that, before a stop could be made, it ran into the other. The plaintiff was severely injured, and, through Senator Conkling as his counsel, sued the company for \$50,000. On reaching the curve the

pilot engineer had not looked at the track to warn his associate, and hence the defence was contributory negligence. The Hon. Francis Kernan and the late J. Thomas Spriggs appeared for the railroad company.

The trial created great public interest, and the court-room was packed with spectators. A recess was taken to enable the jury to visit the place of the accident in company with a court officer. Dr. W. H. Watson acted as a medical expert for the plaintiff, and Mr. Conkling examined him with as much skill as he displayed in the medical cross-examination at the famous Budge trial.

The counsel for the defendant expected a non-suit. They were much disappointed when the motion was denied, and it was said that a similar case had never been submitted to a jury in Oncida County. Many witnesses, including directors and a large number of engineers, testified for the company. On cross-examination, however, Mr. Conkling confused the engineers, making some contradict themselves.

After the evidence had been taken Mr. Kernan addressed the jury, closing with an appeal to disabuse their minds of the common prejudice against corporations. Senator Conkling then for two hours summed up with great effect. With much ingenuity he turned every particle of testi-

mony to his advantage, and criticised the heartless directors. Some wore diamonds, and commenting upon this he said, in substance: "In eternity the pebbles upon the grave of poor Smith (the plaintiff) will shine as brightly as do the diamonds upon the bosoms of the directors." At the time of the accident, cards and champagne had been found in the private car; and Senator Conkling, in speaking of directors playing poker and drinking while the train was rushing along, used the incident to the benefit of his client.

The jury were intelligent men, and with his persuasive eloquence Senator Conkling carried them away. After a brief retirement they rendered a verdict of \$18,000—which, up to that time, is said to have been the largest in railroad accident cases. An appeal was taken to the general term of the Supreme Court, but the defendant, before argument, compromised by giving the plaintiff \$10,000 in cash, paying Mr. Conkling's fee and the costs.

When the counsel of the railroad company appealed from the judgment entered upon the verdict, the late Cornelius Vanderbilt, then president of the company, is reported to have said, "Pay the amount of the verdict, for if Conkling tries this case again he may make it \$50,000." Indeed, it was a common saying throughout Oneida

County that "the railroad companies don't like Roscoe Conkling."

This case is one of the most famous that the Senator ever tried before a jury, and even to this day it is often discussed by lawyers in Central New York. At a meeting of the bar of Utica on the day of Mr. Conkling's funeral, ex-Judge W. J. Bacon, referring to this trial, spoke of Mr. Conkling's powerful summing up and gave a brief quotation from one of his utterances.

The regular session of the Forty-first Congress began in December; and the first important topic for consideration was the reconstruction of Georgia. Mr. Conkling of course engaged in the debate of a subject to which he had for the last four years given special attention. Several days later he spoke at length upon the bill to provide for taking the ninth census of the United States. The debate upon this measure lasted till the month of May, when Mr. Conkling was put upon the Conference Committee as one of the three managers on the part of the Senate.

In February he discussed the franking privilege, and on the anniversary of the birthday of Washington he made a stirring speech in opposition to the resolutions of the Legislature of the State of New York repealing and rescinding the resolution adopted by a preceding Legislature ratifying the



fifteenth amendment of the Constitution of the United States.

The Legislature of 1870 was the first Democratic Legislature that had been elected in New York since the beginning of the war of the Rebellion. The Democrats knew that the negroes would generally vote the Republican ticket; hence the party which controlled the Legislature tried to reverse the action of the State of New York by revoking the resolution assenting to the amendment of the national Constitution. The Senator's speech was based upon his remarks made January 12, when presenting the concurrent resolution of the Legislature. He then said, in substance:

\* \* \* In presenting this transcript of proceedings I discharge a distasteful duty. I avow my regret that a record of action so hasty, so ill-advised and so nugatory should come here at all, and my greater regret that it should come from the State of New York. It carries its own refutation on its face. Its own recitals cancel it because they show that New York's approval of the great act of equality which temporary majorities seek to destroy has passed forever beyond their reach.

Mr. Conkling, as chairman of the Committee on the Revision of the Laws, was directed to report it to the Senate with the recommendation that the consideration of the resolution of the Legislature of New York be indefinitely postponed.

He regarded this resolution as such a blot upon the fair fame of New York that he spoke

until the subject was exhausted. It was a legal argument that will not bear condensation, so it is here omitted. A few of the more eloquent passages will be found in our chapter on "Oratory."

This was the first long speech made by Mr. Conkling in the open sessions of the Senate. It was highly spoken of by the Washington correspondents of both Democratic and Republican newspapers in the city of New York. To sum up the several articles, we may say that the speech created a great sensation. When he began, some slight disposition was evinced to occupy time in trifling. Thereupon several of the oldest and ablest Senators united in the expression of a wish that no obstacle would be thrown in the way of Mr. Conkling. He was thus paid a rare compliment, for it was a very unusual occurrence either in the Senate or House. The speech was listened to with the closest attention, and his argument was conceded to be most logical and convincing. When he concluded, three-fourths of the Senators present crowded about his seat and warmly tendered their congratulations.

In the same month (February), when Senator Sumner was advocating the House Census bill, Mr. Conkling attacked him with a sally of sarcasm and ridicule. To test the sense of the Senate, Mr. Conkling moved to lay on the table the House

bill, which proceeding would carry with it all the pending amendments. The motion was carried by forty-six yeas to nine nays. Thereupon Senator Sumner, smarting at the unmerciful "scoring" to which Senator Conkling had subjected him, resigned his position on the Committee on the Revision of the Laws.

The tilt between these two Senators was widely discussed by the press of New York. The *Commercial Advertiser*, of Buffalo, closed a long editorial with the verse—

Another's sword had laid him low,  
Another's and another's ;  
And every hand that dealt the blow—  
Ah me ! it was a brother's.

Mr. Conkling's next important appearance in the Senate was in the debate upon the Funding bill, March 9 and 10, 1870. In favoring the measure, he argued that there was no precedent for making bonds payable abroad in the currency of any foreign nation, and objected to the section to establish agencies in Europe to pay the interest on the obligations of the republic. In the latter part of the session he argued in favor of the bill to reduce internal taxes and for other purposes.

The nomination of Thomas Murphy as Collector at New York in the spring of 1870 occasioned a warm Senatorial struggle, which ended Mr. Fen-

ton's influence with General Grant. Although not appointed at Mr. Conkling's solicitation, he urged the confirmation of Mr. Murphy. A bitter contest occurred in the executive session, which is briefly described in our chapter on "Oratory."

After a long debate, Mr. Murphy was confirmed with but three negative votes (forty-eight to three), Senators Sumner and Fowler voting with Mr. Fenton. This was in July, 1870. The result of this difference between Senators Fenton and Conkling was widely discussed in the press of New York. It was called a "quarrel," and the organs of each faction, of course, praised their leaders. It is unnecessary to say that Mr. Conkling's course was simply a vindication of General Grant, after he had lost confidence in Mr. Fenton, for reasons which need not be here discussed. Henceforth Mr. Conkling was, excepting perhaps Mr. Morton, of Indiana, more influential with the Administration than any other Senator.

Early in August, 1870, the Republican State Committee met at Saratoga, and at the same time a conference of leaders took place. Among those present were Horace Greeley, Alonzo B. Cornell, General G. H. Sharpe, Richard Crowley, Thomas Murphy, E. D. Webster, Sinclair Tousey and Senators Fenton and Conkling. The last named received a serenade and responded at some length.

He commended the President by saying, "Such stewardship deserves and will receive the public approbation." In expressing sympathy for the Germans in the Franco-Prussian War he remarked :

War has gone from us—its bloody shadow falls on France—its tramp rocks thrones and kings are sea-sick now. Perhaps war has gone with avenging hand to smite the sick man who dominates the land of Lafayette—perhaps war strikes the hour for the Emperor who plotted and schemed against us in the day of our trial.

This reference by one of the leaders of the Republican party, holding Louis Napoleon as an ally of the South during the Civil War, provoked much comment in the press.

God grant [said Mr. Conkling] that no harm may come to Germany! Germany sympathized with us, the sons of Germany fought for us, and cheers of victory went up in the German tongue from the burning battle-fields of our Rebellion. Germany's Constitution is like ours; Prussia believes, as we do, in education for all, and Republicans everywhere join me in this hope that no harm is in store for Germany.

In stating that the mission of the Republican party was not yet fulfilled, that it must continue to fight for a fair ballot and an honest count, he significantly remarked :

We have at last an act of Congress under which an election may once more be held in the city of New York; a law seeking to substitute a fair election for that scandalous farce which has so often been enacted on election-days. The provisions I speak of will call into being inspectors to watch the registry, the vote, and, above all, the count, and the marshal is empowered to preserve

order and safety at the polls. With a fair election and votes fairly counted, we need only conciliation and unity among ourselves, and then action, earnest action, and New York will pronounce for the Republican party and the administration of General Grant. To this end let us all work!

During the campaign of 1870 General Grant wrote the following, which explains itself :

LONG BRANCH, N. J., August 22, 1870.

*Dear Senator :* I have just been shown a despatch from you to Mr. Cornell, stating that you could not well meet me in New York City to-morrow, and expressing surprise rather that I wanted to see you. Before I started West, two weeks ago, I stated to Mr. Murphy and one or two others that I should like to meet you, and would try to do so on my return. Hence the letter to you from Mr. Cornell. I start in the morning for Newport, to remain there until Friday evening. On Saturday I shall reach West Point, where I will remain until Tuesday, the 29th inst., and then return here. I should like very much to meet you before the meeting of the State Convention, and, in the meantime, express the hope that you will go as a delegate. Should I not meet you I will write you a letter, specially if you should be a delegate, expressive of my views as to the Gubernatorial nomination. It was on this subject I wanted to consult more than advise with you. New York, the largest, is certainly the most important State to secure a fair election in, and to secure to the Republican party, if it is right. If it is not right, a majority of the legal voters are the ones so to declare. The proper nominations should be made to test the strength of parties. May I expect to meet you either at West Point on Saturday, Sunday, or Monday next?

Yours truly,

U. S. GRANT.

Hon. ROSCOE CONKLING, Utica, N. Y.

The Republican State Convention met at Saratoga, September 7, 1870. It was the scene of an animated contest between the followers of Senator



Fenton and those of Senator Conkling. The two Senators were delegates. The supporters of Mr. Conkling had a clear majority and elected George William Curtis temporary chairman. The State ticket placed in nomination was headed by Stewart L. Woodford as the candidate for Governor. From the accession of Mr. Fenton to the Governorship in 1865, his friends had, without serious controversy, controlled the State Committee. Many changes were then effected; the friends of Mr. Conkling obtained about two-thirds of its members and Alonzo B. Cornell was elected chairman.

The great impediment to the purposes of the new Committee existed in the Republican organization in the city of New York. This Committee had been constituted years before to assure the ascendancy of Governor Fenton, who was accused of having a secret understanding with the Democratic leaders.

Many of its officers were holding municipal positions under an arrangement with Tammany Hall, then under the leadership of the notorious William M. Tweed. More than seventy-five per cent. of the members of the Republican Central Committee were Fenton men. Under an investigation directed by Mr. Cornell, it was shown that a clear majority of the chairmen, secretaries and inspectors of the Republican district organizations held

municipal appointments, many of which were sinecures.

It was apprehended that the defeated faction would secretly oppose the State ticket. The threat had been made, several months previously, to avenge at the polls the removal of Moses H. Grinnell and the appointment of Thomas Murphy as Collector of the Port. With treason in the ranks of the party, Senator Conkling entered the canvass and made a series of speeches in the principal cities of the State. He began at Utica on the fourth of October, where he was chosen as chairman of a mass meeting at Mechanics' Hall.

In his speech at Washington Hall, Rochester, October 18, Senator Conkling spoke of the sections of the national naturalization law, which he drew up himself, and which gave the general Government the power to appoint supervisors of elections. This enactment also gave to the United States marshals the power to prevent all violations of its provisions. He further charged that it was not now proposed to overturn this law and resort to mob violence. On the contrary he had only to say that if the statute were not already broad enough, it would hereafter be enlarged so as to crush all piracies and all pirates of the ballot-boxes. "We are going, at this election," said he, "to have a

fair vote and a fair count in New York City." He next called attention to the fact that the Administration had established economy, so that the Governmental expenditures were less now than they had ever been since the days of Andrew Jackson. A saving had been effected in the expenses during the eighteen months of Grant's administration of \$170,000,000 as compared with the expenditures of the previous eighteen months. Internal taxes and the revenue tariff had been vastly reduced.

His next appearance was at Seneca Falls, and on the following day (October 20) he spoke at St. James's Hall, Buffalo, devoting himself chiefly to the canal policy of the party.

This speech upon the canal policy was a formulary of the creed of the Republican party which was long adhered to in the State. After addressing large assemblages at Lockport, Binghamton and Corning, Mr. Conkling spoke at the Cooper Institute, New York, November 3. The great hall was crowded, but the hearers were not all friendly. Senator Conkling was, without provocation, several times interrupted by persons who had come to disturb the meeting. The State ticket was defeated, as was believed, by treachery.

When the third session of the Forty-first Congress commenced in December, the chief topic was

the treaty of San Domingo. Several Republican Senators had assailed the Administration. Mr. Conkling vindicated the President in the measures taken for the annexation of that island. When the joint resolution passed the Senate (December 21, 1870) authorizing the appointment of three commissioners to visit and report upon the republic of Dominica, Mr. Conkling was one of the thirty-two voting for it. Only nine negative votes were given, four of which were by Democrats.

In the campaign of 1872 Senator Conkling made an unanswerable defence of the course of President Grant regarding the San Domingo question. Indeed, he was then familiarly called "the Warwick of the Administration."

He had no patience with the opposition of Senators Sumner, Trumbull and Schurz toward General Grant. He was convinced that they had changed their sentiments through personal reasons. As illustrations of his constant support of the Grant administration, we shall refer to two speeches which he delivered, the one upon the "One-Term Dogma," the other referring to the sale of arms to France by American merchants. We shall also give extracts from his greatest campaign speech, on July 23, 1872. Contrary to his practice, he then indulged in personalities. This he considered necessary to do on account of

the malignant attacks on President Grant by former professed friends.

In the winter of the years 1870-1871 Senator Conkling's devotion to the Republican party was thoroughly tested, and he acted with a spirit of chivalry which deserves to be remembered. At that time the "Tammany ring" was at the height of its power, and after the autumnal election the Republican cause in the State seemed hopelessly lost. Senator Conkling's own political career was, apparently, about to close. He confidentially told his friends that he did not expect a re-election. If the Tweed *régime* continued, the Republican ascendancy was at an end in New York and a Democrat would soon succeed him in the Senate. *At this very time he was offered a legal partnership in the city of New York, with a guarantee of \$50,000 a year—an offer most flattering to his professional pride and most advantageous to his personal interests.* To a man whose political future appeared dark, it was very tempting. If he should accept this lucrative proposal, it would assure ample provision for his family. To decline it might be to sacrifice himself and continue a futile contest, with defeat almost certain. Following the advice of old Republican friends, he refused the offer. In the approaching State campaign, buckling on his armor for a long and bitter fight, he, in concert with oth-

ers, set in operation that political work which restored the supremacy of the Republican party in the State of New York.

In January, 1871, the press of New York was occupied with discussion of the difference between the two Senators. The friends of Mr. Fenton accused his former colleague of having persuaded the President to appoint his own followers to office. The author has reason to believe that Senator Conkling had not at that time requested a single office from General Grant. At this juncture many articles appeared in the Republican press of New York, to the effect that unity and harmony must be secured, or defeat in the autumn would be certain. Meanwhile the reorganization of the Republican City Committee was under way. The "Tammany Republicans" were summarily dropped from the new Republican organization of the city of New York. To this movement General Grant lent the whole power of his Administration. He clearly saw that, so long as their influence directed the counsels of the party, there could be no hope of success.

The Republican State Committee had ordered a complete reorganization of the local party machinery. This radical step was, of course, strongly opposed by the Fenton faction, and the *New York Tribune* bitterly assailed Mr. Cornell, the chair-



man, for this action. The State Committee appointed Horace Greeley and Jackson S. Schultz, then President of the Union League Club, commissioners, with full and absolute power to create a new local organization. Mr. Greeley declined to serve, whereupon William Orton was named as his substitute. Messrs. Schultz and Orton proceeded with the work of reorganization.

Mr. Greeley then accepted the chairmanship of the old General Committee, which now contested the right of the State Committee to order a reorganization, as an act without precedent in the history of the party. Two rival organizations now claimed to be the official representatives of the Republican party in the city of New York.

The famous treaty of Washington, the work of the joint commission, was approved by the Senate in the spring of 1871. The particulars of the treaty were divulged soon afterward by two zealous newspaper correspondents. Senators Carpenter and Conkling at once moved that these contumacious correspondents be imprisoned for two days as a punishment for violation of rules of the Senate. The two Senators were then roundly abused by the press, and they received the *sobriquet* of "Common Jailers" Conkling and Carpenter.

Early in July, 1871, Senator Conkling visited the President at Long Branch. A plan of action

for the coming campaign in New York was agreed upon. That summer ex-Senator E. D. Morgan came to the support of the Administration.

In the following letter Senator Conkling defined his position :

UTICA, N Y., Aug. 26, 1871.

*My Dear Sir:* I wish I could run over to Newport and visit you, but I must relinquish the pleasure for this year. The view you take of political matters is my view also. Every sincere Republican can and must take hold heartily now, for a long pull, a strong pull and a pull all together.

\* \* \* \* \*

*Referring to your remarks about the approaching Presidential canvass, I am, as you know, heartily for General Grant.* This would be my position, even without my strong regard for him, and confidence in him personally. He has made a better President than you and I, when we voted for him, had any right to expect ; and he is a better President every day than he was the day before. He has given the country the best practical administration, in many respects, we have had for a quarter of a century, and the people know it. Those who hold the securities of the country, and property holders in general, dare not run the risk of a Democratic President now; they want no swapping of horses at this time. With General Grant as the candidate, our success is assured ; with any other candidate, success is not certain ; and hence the renomination and re-election of General Grant seem to me a foregone conclusion.

In the State of New York, more than anywhere else, the path of Republicans appears plain and their duty urgent. Here is the greatest free State in Christendom given over to rascals—a prey to a horde of thieves, who, infesting our chief city, disgrace humanity and mildew the Commonwealth by their pestilential profligacy. These plunderers have seized upon the State Government, the Legislature and all the municipal agencies of the city of New York ; and hitherto they have tampered with our party

organizations also, debauching and controlling them. The question facing us is, whether this degrading, flagitious sway shall cease, or be perpetuated and fortified anew. Every one knows that the first step toward remedy and reform is to nominate the best men in the Republican party, and elect them to the Legislature and to the executive offices of the State. And yet, men stand talking about federal patronage, and differences among leaders, and personal feeling between individuals, and the like. What have such things to do with the duty of this hour? What do the people care about them—what should they care? Of what public consequence are the personal aims and objects and mishaps of individuals? For one, if I know how, by act or omission, I have given just offence to any man, I ought to go, and will go, and make any amend in my power; all who know you, know you would do likewise. But I insist that all who are in earnest should go to work and keep at work. It is high time to be done with unprofitable things signifying nothing, and productive only of harm. The best way to do a thing is to do it. Talking may be good, but talking about what we are willing to do and what might be done, when there is but one straightforward thing to do, is not near so likely to help the Republican party as to take right hold honestly and squarely, as men should who believe in what they are about, and mean it.

We shall all be together in redeeming the State, I hope, and many good men will help who never helped us before.

This long hurried letter is a poor requital for your kind invitation, and a poor substitute for the talk we might have had in your "cottage by the sea."

Your friend,

ROSCOE CONKLING.

Hon. JOHN A. GRISWOLD, Newport, R. I.

1871.

## CHAPTER XIX.

THE SYRACUSE CONVENTION AND THE STATE CAMPAIGN.

THE problem of reorganization was now to be determined. The Republican State Convention for 1871 assembled at Syracuse September 27. The two factions of the city of New York elected full delegations, each claiming to be the lawful representatives. There had been a sharp conflict in the counties of the State, the issue being the approval of the action of the State Committee in the metropolis. There was also a large attendance of Republicans who were not delegates. For days before the meeting of the Convention the hotels of Syracuse were thronged with anxious and excited men, vehemently discussing its probable action. Never, perhaps, had there assembled a political convention in the State at which existed so much personal bitterness.

The most prominent Republicans had been chosen as delegates. Statesmen, merchants and professional men were present, and shared with

farmers and mechanics their earnest zeal for the welfare of their party and country.

The Convention met at the Wieting Hall. So great was the number present that it had been found necessary to restrict admittance to the floor. Delegates, alternates and contestants were alike supplied with tickets, and the public were admitted to the galleries without discrimination. The hall was crowded to the dome.

At twelve o'clock Alonzo B. Cornell, chairman of the State Committee, called the Convention to order. General George H. Sharpe immediately nominated the Hon. Andrew D. White for temporary chairman; General Edwin A. Merritt also proposed the name of Chauncey M. Depew. The Chair declared him out of order, as Mr. Depew was not a delegate to the Convention. Colonel Anson S. Wood immediately nominated G. Hilton Scribner. The scene which followed baffles description; at one time, members of the rival delegations from New York attempted to gain the platform, threatening to take possession by force. Chairman Cornell now established his reputation as an able and impartial presiding officer and speedily restored order. Two hours were consumed in calling the roll of the Convention. As Secretary L. L. Doty announced the county of New York, the hall resounded with points of order.

The Chair, however, decided that neither delegation was entitled to vote, and that their credentials should be referred to the Committee on Contested Seats when it should be appointed. The crisis was safely passed, and the sagacious action of Chairman Cornell made the delegates of the other fifty-nine counties virtually arbiters of the entire controversy.

The vote for temporary chairman was finally announced as follows: Whole number of votes, 347: for Andrew D. White, 188; for G. Hilton Scribner, 159.

The election of Mr. White, on motion of Waldo Hutchins, was made unanimous, and the Convention immediately proceeded to the transaction of business.

The Committee on Credentials made two reports. The majority approved and ratified the new organization in New York, but admitted both sets of delegates to seats. The minority denied the authority of the State Committee to interfere with the existing organization, repudiated its action, and reported in favor of the delegates chosen under the authority of the old General Committee. A warm debate immediately ensued and the result was uncertain. Finally the Hon. Hamilton Ward offered a substitute for both reports, to the effect that the two delegations should be admitted, each with half the vote of the county, and that the Con-



vention take measures to unite and harmonize the two organizations. The other delegates, weary of the controversy, were ready to accept so easy a method to determine the matter. The question was demanded by men on every side. The presiding officer paused for a moment. The Convention was restless, and it appeared certain that the Fenton men would win the conflict. Mr. White was about to speak, when a voice from the rear of the hall, slow, measured, penetrating, till every man seemed to quiver, arrested his attention.

"Mr. President," it said, "not yet the question!" It was the voice of Roscoe Conkling. Such a speech, in its terms, its forcible eloquence, its overwhelming result, was perhaps never heard in a similar assemblage.

Many of Senator Conkling's friends insist that this was one of his most remarkable speeches. It was an unpremeditated effort. The best report extant was published in the *Syracuse Daily Standard* September 28, 1871, from which the following paragraphs are copied :

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Mr. President, let me call your attention for one moment to some of the events in the presence of which we stand. A horde of ballot-box pirates and robbers have clutched by the throat the greatest city of the Western world. A horde of pirates, whose firm-name is Tammany Hall, I stand here to say, is presenting in its own organization the most hideous spectacle in modern history, has disbanded, tampered with, and to a large part controlled that

glorious organization which is the brightest in the annals of political parties. [Applause.]

Now, Mr. President, does any member of this Convention who differs with me say that I go too far when I affirm, as the *New York Tribune* has affirmed, in repeated instances, of which I have extracts before me, that W. M. Tweed and the other men who have disgraced us before the civilized world have tampered with, controlled and debauched the Republican organization in the city of New York? [Applause.]

Mr. President, if any member of this Convention denies that proposition, speak, for him I have offended. [Several voices: "I deny it."] Ah, Mr. President, I am thankful for that denial; I put it as the touch-stone of this Convention, because I knew the logic of these gentlemen would compel them to deny it. [Applause and laughter.] Mr. President, when I hear any man, although he may be a friend of mine, deny that altogether, my answer to him is—it is too late. The fact has passed into the judgment of recorded history.

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Now, Mr. President, if the election were a year off, or even six months, I could see some safety in this; but do Republicans remember that hardly more than a month is to elapse before we are to meet Tammany and the Democracy in a death-grapple for the mastery, and that in that grapple Tammany is to go down? [Applause.] Do they remember, I say, that we have but a month to complete the prostration of this common foe? If they do, is it proposed that when such men as Jackson S. Schultz, Mr. Orton, and others who aid them, have given weeks and months to this work, that it is to be thrown away, and that we are going to attempt in four weeks to do it all over again *de novo*? Why, Mr. President, I submit that everybody must see that we must either go through this campaign with a double-headed and divided organization, or we must make haste to close up the ranks and unite in one body, welded together, the whole Republican party of New York against a common foe. [Applause.]

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Now, Mr. President, all I ask is that when this Committee has

matured carefully a plan which will consolidate and unify the Republican masses in the city of New York, we shall take it in fairness. Put these two delegations precisely upon a par, and then separate, knowing that when, three or four months hence, the State Convention is called to send delegates to the National Convention, we shall not be grieved and mortified by the spectacle of double delegations coming here to send a divided delegation to the national convention, in order to parade our discussions there.

Mr. Chairman, I have spoken with some earnestness. Before I take my seat, I beg to say that I have spoken with a feeling of the utmost kindness toward every member of this Convention. There is no gentleman in either organization with whom I cannot stand, with pleasure, shoulder to shoulder, hand in hand, and go forward in the execution of the party purposes and the party will. [Applause.] I was instructed by my constituents, as I believe were the other delegates from the county of Oneida, to vote in favor of the reorganization of the Republican party in the city of New York. I have come here, therefore, under instructions, and I supposed that I had gone to the very edge, in council, when I advised and requested my cherished friends, who did me the favor to consult with me, to provide for the admission of both sets of delegates, seeking nothing except that, when this Convention was over, this split would be at an end, and all the elements of Republicanism in the city of New York would come into the organization—that he who came at the eleventh hour upon the same terms as if he had borne the heat and burden of the day. All changes necessary or desired to be made in the chairmen of associations, in the inspectors of elections, and in the officers all around, so that everybody entering the organization now, may come in, upon what they use to call in Pennsylvania, in the oil regions, “upon the ground floor.” I thought if that were established no complaint could be made. If I have erred, I have erred in the interests of harmony and magnanimity. And I err in the same way now, when I appeal to the gentleman on my right, who has served with me in more trying scenes than this, to allow us to take a fair and square vote upon the two reports of the Committee, to the end that we may have the sense of the Convention and proceed to complete our labor. [Applause.]

The vote was then taken. The substitute was lost and the report of the majority adopted by an excess of forty votes.

The Fenton delegates from New York then withdrew, and the Convention adjourned till morning. It met at nine o'clock and nominated State officers.

The State Committee was then announced. Ellis H. Roberts, of Oneida, reported the platform, which warmly approved the administration of Ulysses S. Grant, and condemned the "astounding revelations of fraud and corruption in the city of New York."

After the adjournment Senator Conkling was called on, and delivered an address, in which he was frequently interrupted with applause. He spoke chiefly of the greatness of the republic, and claimed as its lawful representative the Republican party. He referred to the withdrawal of the New York delegates, and said: "Here it was they belonged, and nowhere else." The first speech made by Mr. Conkling in the campaign of that year was at Albany, where he reviewed the national and State politics of that year. We print an extract from his remarks in our chapter on "Oratory." He closed by a rigorous denial of the allegation that the President had accepted costly presents during his term of office.

During October Senator Conkling spoke in Western and Central New York. He received invitations to address mass meetings in New York and Brooklyn, and in reply he wrote the following letter :

UTICA, October 23, 1871.

*Gentlemen:*—To speak to the honest, courageous citizens of New York, who believe as I do in the unity and destiny of the Republican party, would be a privilege and an honor which I reluctantly forego. On the evening for which your ratification meeting is proposed, I am, however, to speak in another city, where no such array of orators will be as will gather at Cooper Institute.

Assurances come to me that the Republicans of New York are to bury in oblivion differences which have occupied them too long, and which, bringing peril to our cause, are treason in the emergency before us. The meeting will, it is said, be a reunion of all Republicans who set principle and pure Government above personal feeling, and hold the advancement of the party in its career of usefulness paramount to the exaltation or the overthrow of individual members.

Rest assured that none more than myself can rejoice in a consummation so wise, so patriotic and so plainly right.

Since the hour of its formation, I have ever labored in the Republican party, never doubting the rights of humanity, and, therefore, never doubting the usefulness or success of the party which upheld them. Mistaken in some instances, it may have been; wronged sometimes by those it trusted, it has been; but its glory and its promise are immutable, in the fact that it has proved equal to the exigencies it has been required to confront. Just now a new duty is laid upon it. It is summoned to a great work of reformation in our own State. It is called upon to eradicate the most hideous and terrifying conspiracy of plunderers and social destroyers of which we have any knowledge.

For such a party, at such a juncture, signaled to go forward by an ennobling past, and beckoned by an imperiled future, to be



baffled or detained by trivial bickerings is to arrest the uplifted arm of public justice and to cover the enemies of society with a shield. Rather let Republicans, not only, but Republicans and Democrats in the city of New York, unite in sinking minor contentions and in electing honest men of both parties to public trusts. Such a unity will be prolific of far-reaching good. It will call back to the duties of citizenship thousands who seem almost to have forgotten their stake in government and their obligations to it. Many discerning persons, after looking for years at our great city, seeing multitudes of its best men, with faces habitually averted from public affairs, pass by on the other side, and abandon politics to others, have adopted the despairing theory that an urban population is unsuited to the maintenance of Republican institutions. This is the time to dispel this fatal apprehension. The gibbet on which official sin is now to forfeit its existence will do only a brief and vengeful office unless it awakens the consciences of those whose neglect left the door ungarded while thieves and vampires entered in.

If the better elements of New York can be combined and stirred to activity, the election and the count of votes will not be such mockeries as in preceding years. In the actual presence of the intelligence and uprightness of a million people, the manipulators dare not do as they have done before. The assurance of a fair election in the metropolis will bring out overwhelming anti-Tammany majorities in the country.

Last year I addressed many Republican meetings in different portions of the State, and everywhere the same obstacle was found. It was a settled belief that majorities sufficient to elect local tickets were all the case required; that no matter what majorities for the State ticket the rural districts might give, they would be falsely counted down on Manhattan Island. All assurances of reduced frauds in New York were overcome by counted statements, and 45,000 Republicans, who had voted at the gubernatorial election last before, did not vote at all. This year the same fear weighs upon our people, and nothing will do so much to insure the downfall of Tammany in the State as palpable indications that the people of the city mean to have some approach to a fair vote and a fair count.



To achieve this, and to achieve all, the first and last need is concord and unity among Republicans, and afterward united action in the city between Republicans and all other sincere reformers wherever the emergency demands it.

Trusting that the meeting will usher in an era of good feeling and of good works, I remain your obedient servant,

ROSCOE CONKLING.\*

CHARLES S. SPENCER, Esq.,  
and others, *Committee*, etc.

The result of this campaign proved beyond all cavil that the Administration party was the genuine Republican organization in the Empire State, and that Senator Conkling was its leader. Theretofore he might have been regarded as the head of a faction—at least since 1869, when ex-Governor Fenton became his colleague. This election was an approval of the policy of President Grant and a rebuke to the corrupt methods of Tammany Hall, and the men who, by accepting its favors, dishonored themselves and their associates.

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\* He also addressed, to the citizens of Brooklyn, a letter, which was duly published.

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JANUARY, 1872.

## CHAPTER XX.

### THE "ONE-TERM DOGMA."

AT the second session of the Forty-second Congress, Senator Sumner submitted (December 21, 1871) an amendment to the Constitution, to the effect that no person who has once held the office of President shall be thereafter eligible to that office. This measure was of course aimed at General Grant; and Senator Conkling soon came to his defence in the speech entitled "The One-Term Dogma."\*

It may be claimed, fairly, for this speech that it takes rank with the best argumentative orations of the American Senate.

The orations which relate to public affairs may be divided into three classes—those which belong to revolutionary periods; those which belong to

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\* To give the reader some idea of the time required to prepare this celebrated speech, the author may state that a skilled copyist worked fully fifteen hours in transcribing it from the single copy in Mr. Conkling's scrap-book. Unlike other speeches, there are *no* duplicates of this one in Mr. Conkling's house. The biographer regrets very much that he has not space to publish the entire oration. Should he publish a second volume of Senator Conkling's principal speeches and legal arguments, this speech will be there printed.

times of public peril; and those which deal with questions of importance in times of comparative tranquillity.

Mr. Conkling's speech on the One-Term Dogma belongs to the third class. In this field the scope of the orator is limited. There is but little occasion or opportunity for an appeal to the emotions, or to the sense of duty, or to the sentiment of patriotism. Under such circumstances, expediency is the warp of the discourse. There is no necessity for action, there is no peril in non-action, and there can be no appeal to the audience upon these grounds. When we consider that the discussion in the Senate was limited to the question of the eligibility of the President to a re-election, we are forced to the conclusion that Mr. Conkling's speech contains as much of argument, of illustration and of persuasive force as could have been furnished by any orator of the present age.

The Senate having under consideration a proposed amendment to the Constitution, as follows:

ARTICLE —

SECTION 1. No person who has once held the office of President of the United States shall be thereafter eligible to that office.

SEC. 2. This amendment shall not take effect until after the fourth day of March, 1873.

Mr. Conkling said:

We have entered an era of reform—a change has been made in the civil service. It will, I trust, be real and useful. It will be

vain if it does not cure the chief evils it is meant to remedy. Place-hunting is one of the great industries of the nation; it is almost a mania. Public employment is set above private occupation, and this, though for the honest and the competent public employment is the poorest field of American exertion. Public agents and representatives have been hindered in their duties and their time taxed by applicants for office.

\* \* \* The President has been made the object of gross assault because he would not yield to demands, sometimes sordid and vile, touching "patronage;" and the purest public administration has been exposed to suspicion of abusing the appointing power for personal ends.

\* \* \* \* \*

The Senator from Massachusetts has been elected and re-elected to the Senate three times in succession, for six years each time. During his repeated terms there has been but one occasion before this when the proposition he now brings forward could not have been considered on its merits, without even the appearance of being aimed at any individual.

When Mr. Lincoln's second nomination was approaching, such a proposition, had that time been selected for it, would no doubt have been regarded as a thrust at him. Excepting that one occasion, a year could hardly be found during the last thirty-nine years when the proposition might not have been canvassed without reflecting upon any one. From Jackson to Lincoln, neither party, except in one case, has renominated a President or seriously thought of doing so.

The country will construe the proceeding with unerring discernment.

The advocates of the candidate at whom this bow is bended will derive encouragement from it. Desperate cases require desperate remedies and heroic treatment.

After all the depths and shoals of calumny have been sounded, after falsehood and vulgarity have been poured out till grossness itself is sated, after every weapon in the poisoned armory of rancor has been plied, after the resources of civilized and of savage warfare have been exhausted, what must be the hold of a candidate on the affections and respect of his countrymen

when the last chance of his overthrow is by constitutional amendment?

He is not the first magistrate who has undergone persecution in which hatred, jealousy and baffled intrigue have mingled their gall in bitter cruelty. The penalties he pays have been paid by the fearless and upright <sup>3</sup>who have gone before him, and paid, as he pays them, for vindicating the independence and purity of his great office.

Injustice is heaped upon him and on those who sustain him. To espouse him is to incur the vengeance and the libels of the most virulent newspapers in the land. Presses and demagogues vie with each other in assaults upon him; but this is the old story, and he is secure, as no predecessor for forty years has been secure, against detraction and defeat.

Forty years ago, Senate and country rang with a higher din than we now hear. Then, as now, a re-election was pending, and the President was the object of attack. Then, as now, both parties furnished the assailants. Then, as now, bitterness and injustice ruled the hour. Then giants dealt the blows, and stout were the bosses of his buckler who could stand against them. Then, as now, the waves of party and of faction dashed against a soldier and a patriot, but the people believed in Jackson, and the waves were shivered into sprays.

Mr. Lincoln's administration also met with foul denunciation and envenomed defection. Who has forgotten the attitude then of men and presses who assail the President now? But the man assailed was again one in whom the people believed, and editors, politicians and Senators were alike impotent.

Compare the third year of Mr. Lincoln's administration with the third year now; compare General Jackson's third year with this; compare the third year of any administration since Washington's, and in strength with the people, in usefulness and in good results, in just deserts, and in the certainty of its approval by the nation, this century has seen no administration so impregnable as this. Yet this time is chosen to launch an amendment to handcuff the people in choosing whom they please for President.

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Do not Senators, as well as Presidents, need to be delivered

from temptation? May not Senators, as well as Presidents, be tempted to scheme and intrigue and play the demagogue, and defame other departments of the Government, and neglect their duties, and employ patronage, and even worse means, all to secure a re-election or a still higher place?

Have not the aspirations of Senators to the Presidency been fruitful sources of mischief at other stages in our history?

Have not the passionate discords, unseemly contentions, cruel enmities, pernicious disturbances and bad legislation grown out of the ambition of members of one or the other House of Congress?

The worst broils in our politics have festered in Congress; and who does not know their cause?

Think of the wrong, the injustice, the false accusations and suspicions, the bad passions, the abuse of public interest, the needless, hurtful agitations, which would not have been if Senators and Representatives could never have been candidates for the Presidency or candidates for re-election.

History speaks no uncertain voice in this respect; and yet the Senate has been well said to be the altar, not the staircase, of Presidential hopes. Hecatombs of candidates have been offered up here, but none have gone hence to the Presidential chair. I call the attention of friends around me to this fact.

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The Senate breeds unhealthy candidates for the Presidency, but it breeds many lusty successful candidates for re-election to the Senate. Unless we amend the Constitution and prevent it, the time may come when scheming candidates will be bred, candidates who would use legislation, who would clutch at anything and stick at nothing, to re-elect themselves. Let us lay these things to heart, and not forget ourselves when casting about among the perils of second terms.

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But the measure before us is not leveled at the unfit, nor at the doubtful, but at those most fit and most approved. Its aim and object is to exclude demonstrated fitness. It visits only tried capacity.

In the name of civil service reform, we are asked to advise



the nation to tie its hands against ever availing itself of the services of that citizen who, having once been chosen President, has acquitted himself so well as to prove the wisdom of his choice, and to convince his countrymen that he is still the best and safest guardian of the trust.

We are to disable nobody but the one man who, from time to time, may by actual trial be found most capable and acceptable.

What would be thought of such a suggestion applied to the common affairs of life?

Yet this is the meaning and effect of the amendments. It must be idle and inoperative as to all Presidents who do not specially commend themselves to the people. It could be a bar only to those who must be crippled by law to prevent their reaching the Presidency again.

It is a disability to be imposed on the people. It abridges the nation's right to choose whom it will for President; it does more; it seeks out the particular man the people would choose, and says they shall not choose him. It seeks out no man whom the people would not choose; it could never, even by accident, hit any man whom the people would not choose; its whole scope is to compel those to be left who otherwise would be taken. For madmen, such shackles might be fit; they might do for children, but it seems odd to try to put them on a free people fit to govern themselves. When people or States hold out their hands and ask Congress to put such manacles on them, the work will go more bravely on.

We are reminded that a political party, now no more, declared in favor of electing its candidates but once. This was a resolution in a party platform made for a campaign. A revenue or a protective tariff, a national bank, a sub-Treasury, the annexation of Texas, have also from time to time appeared on the eddying currents of party waves. Who ever thought of petrifying such things in the Constitution? Party platforms and party measures are fleeting and changing; political parties themselves dissolve; but the Constitution remains.

\* \* \* Let us try the present question in this way. One argument is that the President will exert himself, and devote his time, during his first term, to be re-elected, and therefore it should

be made impossible for him to be re-elected. A criticism upon this argument is that it is no more true, relatively, of the one office at which it is aimed, than of others, and yet its application to other offices is denied. But there is an answer to the argument. The President will exert himself to be chosen a second time. How will he exert himself? Will he exert himself by neglecting and violating his duty? Why should he? Does the road to public favor lie in the direction of faithlessness in public trust? He is seen of all men, friends and foes; his acts and omissions are under the lenses of perpetual and hostile scrutiny. What, then, would seem to be his politic course, lifting no higher the motives of a Chief Magistrate emulous to continue in his place?

"Corruption wins not more than honesty." One would think that ambition to be re-chosen, and the possibility of gratifying it, would be a high incentive, prompting lofty and commanding exertion. The surest way to be President again is to be the best President. If this is so, how can the wish to exalt himself in public estimation depress his standard of action? How can it fail to be a spur to good endeavor? The truth of this argument lies deep in every human heart. Every soldier in the battle of life feels it. Be he lawyer, doctor, mechanic, or President, every man knows that doing well for those who employ him is the passport to confidence and promotion.

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Between candidates, the odds are with him who has disappointed no one, and against him whose benefits are already distributed, and who has disappointed several every time he has obliged one.

But, again, is experience of no value in high place? Other things being equal, is not he the best man for a place who is practiced in it? Is not an upright man better fitted to be President the day he leaves than the day he reaches the Presidential chair? If he is, shall we throw away in advance, and for all emergencies, the benefit of tried rulers, because we may, some time or other, find one whose experience is weighed down by faults?

What was the standing explanation of the predominance of the South in the councils and affairs of the nation for so many years?

It was that she continued her public men in place and did not change from man to man. Southern Senators and Representatives were returned again and again, and therefore, and thereby, they acquired the practice, the knowledge and the experience which made them overmatches for the new men who came, one after another, from the North.

Yet the duties of a Senator or a Representative are not more hard or slow to learn than the duties of the President. In either place, more knowledge would be useful than mortal man was ever blessed with.

I make no argument against rotation in office—far from it. The people will insist, and I think they should insist, that all who hold political office shall lay down their commissions at frequent intervals. If the man whose term expires has been faithful and useful, he may be elected or appointed again; but he must lay his commission at the feet of those who granted it. Thus the nation and the people of the States keep the staff in their own hands, and this is all that is needed. If, competing with all others, one who has already served in a place is again selected for it, no one need complain, but periodical expirations of public trusts will not be readily abandoned.

This truth, if it be a truth, should not be overlooked in civil service reform. I believe any system will be stranded which attempts to keep incumbents in place for life, or for long periods, without re-election or reappointment. The judiciary have life tenures, and this is enough of life tenure in a republic of equal rights.

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The author of the amendment seems to have relied not so much on reason as on authority. His resolve is prefaced and ushered in by an array of noted names.

We have, preambled before us, four Americans and one Frenchman who, operated upon by different motives and impelled by different occasions, have suggested ineligibility to second Presidential terms as a remedy for particular evils. It is an error to suppose that all those thus named expressed approval of such a provision as we have here without addition or qualification. General Jackson, for instance, coupled it with a six years' term. Be that as it may, much might be said of the influences,

the inconsistencies, the downright contradictions, which history records in connection with some of these declarations. It would be easy to impair the weight of much of this carefully gathered authority. It is chiefly valuable to prove how vastly the authority is the other way. These collected sayings show us that the "one-term principle" has from time to time been presented sharply to the public mind. Persuasive voices have summoned people and Congress to consider it. It has not slumbered in forgetfulness, but has been periodically canvassed at such times as its champions deemed most likely to invest it with interest. It has been more than once presented in each House of Congress, and usually coupled with assisting provisions.

What has been its fate? Congress has never approved it. The nation has condemned it repeatedly. Fifteen Presidents have been elected, and nearly half of them have been re-elected. Death spared President Harrison but one month, and President Taylor but sixteen months. These two must be deducted from those in whose case the question of a second term could arise. President Grant, not having reached the end of his first term, is to be omitted also in the count. Thus we have twelve citizens raised to the Presidency by the votes of the people, and six of them elected a second time.

Was this the action of the people, or did these Presidents, despite the people, usurp or snatch a second term?

Washington, Jefferson, Madison, Monroe, Jackson, Lincoln, all were re-elected. Did the people re-elect them, or did the office-holders re-elect them? Did these second-term Presidents outwit the people by the use of patronage, or did they win and keep public favor by their fidelity and by the ideas of which they were the types?

If these re-elections were the people's work, they are six recorded verdicts of the people against casting out tried and faithful servants. They are six solemn verdicts against the present measure. Shall we, by the proposed amendment, affirm that the experience of the past has shown its need? If so, how many of our great dead are we to upbraid or asperse? Or shall we act, in spite of experience, as if the present were fraught with perils and corroding tendencies such as the past never knew?

Traitors and slaveholders, forming a confederacy, made the one-term dogma a tenet of their faith. Denying the rights of humanity, and disbelieving the capacity of the people for self-government, they naturally sought to clog popular action and to hamper free agency.

Slavery, and a denial to the people of the right to re-elect Presidents or not, as they please, fitly became corner-stones in such a structure.

The Montgomery Constitution, so called, had this provision:

#### ARTICLE II.

“SECTION I. The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible.” *Confederate Statutes-at-Large, 1861-62, p. 17.*

The first and last offspring of this clause was Jefferson Davis. He was the only type and forerunner we have had of the constitutional single blessedness or single cursedness now urged upon us; he was our only approach to a foreordained one-term President.

The judgment and action of the nation confirm the wisdom of the builders of our Constitution. The question of eligibility to successive terms was fully argued in the constitutional Convention, and now, after near a century of experience, but little reason is likely to be added to the discussions then. It is not too much to say that the “one-term principle,” with a term of four years and an election by the people, would have found almost no support in the constitutional Convention.

The opposition to re-eligibility showed itself when it was proposed to make the Presidential term seven years, and to vest the election of the President in Congress; and it subsided when the term was shortened and the election was committed to the people. Even the seven years’ term and the legislative election together furnished no arguments against re-eligibility strong enough to convince a majority or to convince the leading minds in the Convention. Yet the arguments were very cogent. It was said, with a force that could not be gainsaid, that if Congress was to appoint the executive, and he might be reappointed, he would



have no rule of conduct so strong as the will of Congress, and that he would thus be dependent, and the creature of Congress literally.

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What is there in our annals to falsify these judgments of our fathers? Why should we plow up the old ways? Have the sins and errors of Presidents, the wrongs and woes they have wrought, the crimes against liberty and justice they have done, occurred especially during second terms? Have illustrious actions characterized those Chief Magistrates alone who held office but once?

A radiant constellation of deathless names appears to answer the inquiry.

A President usurped the power to declare war. A President planned and waged war upon a weak and wretched people. A President helped to enact the Fugitive-Slave law of 1850, and a President signed it. A President connived at the overthrow of the Missouri Compromise, and sought to plant slavery in regions that were free. A President tried to clutch Cuba by force and fraud, and his Ministers signed the Ostend manifesto. A President trembled with fear and forsook duty and oath, when he might have strangled a treason that stained a continent with blood. A President trod upon a race and turned his back upon his country, that he might exalt conspirators who caused the greatest funeral in history. Were these the deeds of Presidents who had been re-elected? No, sir: not one of these actors was gravely thought of for a second term.

When nullification and secession first quailed before the beak and claw of federal power, Andrew Jackson was President, and he stamped out treason then, and made it odious for a quarter of a century. But Andrew Jackson received and sought a re-election, and he turned men out of office too, and put in supporters of his administration.

When the country rocked in the throes of an earthquake, when the land was rent with a convulsion the greatest man has known, when politicians, factionists and malcontents deserted and reviled him, when a pitiless storm of rancor pelted on his head, Abraham Lincoln, with sublime fortitude and patience, did all things, and then stood. A martyr to traducers and meddlers in his life, a



martyr to assassins in his death, he did not fall till he had sought and received, in a re-election, the benedictions of the American people. Death cut short Lincoln's service and blasted the nation's hopes; death, stronger than resolutions or constitutional amendments, may blast the hope of the nation now. But death is the only archer whose bow will do the work. Critics and opponents, and men with personal grievances, cannot do it. Flaws and foibles they may find, but the heart and the judgment of the nation are with the unyielding soldier who made war victorious, and the quiet man who makes peace safe for all; and his name, and his transcendent deeds, will live in grateful memory when those who would blast his fame have moldered in forgotten graves and when their epitaphs have vanished utterly.

1852-1887.

## CHAPTER XXI.

### ORATORY.

THE scope of this volume precludes the possibility of publishing the fiftieth part of the orations of Mr. Conkling, or even examples of the wit and irony which he oftentimes used to enliven his speeches, arguments and conversations. He inherited from his mother his talent for repartee and brilliant talk. Judge Conkling was a sedate gentleman of the old school, who rarely indulged in levity or witticisms. If it be a true saying that "The orator is born, not made," Roscoe Conkling is entitled to this distinction. We have seen that he began the study of elocution at the age of thirteen, and became a "stump-speaker" at nineteen. His admission to the bar when but twenty years old, and his appointment as District-Attorney of Oneida County in the same year, gave him unusual opportunities to cultivate forensic eloquence. Without having the advantage of a collegiate education, he read carefully while yet a boy the works of the best writers of English. He was an inde-

fatigable student, and he worked methodically though slowly. His power of memory was remarkable, and his ability to recall promptly historical facts, both political and literary, for argument and illustration, was a gift which afforded material for oratorical effect that few men of his time have possessed.

He was endowed by nature with the attributes of an orator; first, and most of all, *a magnificent presence* (being six feet three inches tall), a gift which has characterized some of the greatest orators of all ages. Then a clear, powerful and slightly musical voice, a vigorous intellect and strong convictions, completed his capacity for eloquence. To these qualities we may add what has been already stated, *viz.*, that his habits were abstemious, and hence his mental powers were not impaired by dissipation, which is fatal to the attainment of the highest and purest style of oratory.

Those who remember Roscoe Conkling at an early age state that he was happy in his choice of words; that he was a deliberate, almost hesitating speaker, somewhat ungraceful in his gestures; that his manner was calm, convincing and commonplace—at least, contrasted with his fervid, dramatic and oftentimes vehement manner of later years.

He was the very embodiment of originality and mental energy. If poets may be called *personæ gratae*, he apparently believed that orators should be ranked in the same class. From his early years down to the end of his public life he sometimes invited a colloquy, nay, challenged an interruption, from one or more of his hearers. Let us illustrate : In the canvass of Oneida County before his election as Mayor of Utica, he would forcibly declare some political principle and then suddenly stop and exclaim: "There is John Potter up there in the gallery, and George Eaton right here in front, either one of whom can corroborate what I have said. Indeed, they are better informed on the subject than I am." In his great speech at Cleveland in the Presidential campaign of 1880 he exhibited eagerness for a political fight by challenging some "Democrat in the audience" to take issue with him or to give *one reason* why a change in the politics of the republic should be made ; and he offered then, as well as on many other occasions, to exchange places and yield the platform to any man who would come forward to confront him. Occasionally a spectator would ask a question, but the orator always had a ready reply.

Concerning his mental energy it may be stated that he would often write down what he had said after the delivery of an address to a jury or a

political speech ; and he also occasionally put upon paper what he would have said if called upon to speak. This mental exercise soon corrected that universal fault—the omission of something that the speaker had meant to say. Roscoe Conkling early acquired the habit of charging his mind with all important facts that he wished to state, and in lengthy speeches refreshed his memory, as we have seen, by head-lines or notes.

A friend tells the author that when Mr. Conkling was a law-student at Utica, Henry Clay delivered one of his great speeches, which, for some reason, no one had taken the pains to report. Young Conkling heard the address, and being requested to write it out from memory, reproduced it so fully that Mr. Clay is said to have remarked that it was a very accurate account of his speech. It has been remarked that soon after attaining his majority his oratorical text-books were the Bible, Shakespeare, and the prose writings of Macaulay, Burke, Pitt, Fox and Erskine. Throughout his speeches are exact quotations, and the gist of quotations, from the above-named works.

During his first term as mayor he, in a public address, used several scriptural terms. He had an early aversion to set phrases ; he detested that of “I desire,” which is commonly used by public

speakers to express the slightest wish. Mr. Conkling was wont to say that "we desire," and "I desire" should be confined to the conventicle. In his first scrap-book is a satire entitled, "A Touch of the Sublime," which is a ludicrous exaggeration of the traditional stump-orator, who strives to move the multitude by impassioned figures of speech. This news-cutting probably served as a warning to the young orator to avoid the pitfalls of eloquence. Yet he was glad to use the great idioms of our language; and sometimes even those that approximated vulgarity he well knew how to express forcibly.

In his most eloquent discourses at the bar and on the floors of Congress he adroitly chose the right time and place to introduce without degradation a rough adage. A favorite saying throughout his life was, "Hew to the line, no matter where the chips fly." Among other occasions, this phrase was uttered in his famous speech at Chicago in nominating General Grant for a third term. He had also the rare faculty of judiciously using the secondary accents in words, so as to make them express what was beyond the authorized meaning. In conversation, he often resorted to this artifice, which added much to the piquancy of his language. These witticisms lose, of course, their effect when read in cold type, for it has often



been remarked of Roscoe Conkling, "It is not *what* he says that greatly impresses you, it is *the way* he says it."

In the early part of this volume it is stated that he won in the campaign of 1852 a local reputation as an orator, and that his first speech in a State convention was made in that year. Although but twenty-three years of age, his written speeches, which are found in our third chapter, show that he spoke terse and forcible English; that his style was happy and often original; and that his illustrations were convincing, and sometimes united striking argument with sarcasm.

The proverb, "As the twig is bent, the tree's inclined," may be applied to the subject of this memoir. Unlike many others who have attained greatness, he early gave evidence that he would some day rank with the greatest orators, advocates and statesmen of the time. While speaking, it was his habit to be intensely in earnest: and this quality may have been the secret of his hold upon his hearers. He could utter the tritest saying with such an impressive manner that his audience listened attentively, whether they numbered two or two thousand. He had something to say whenever he spoke, and had great tact in adapting himself to an audience. He rarely made a speech without thorough preparation, or at least without

turning over in his mind the substance of what he would say if called upon.

In his youth he formed the habit of watching individuals in the audience and of selecting two or three persons to address in particular. The biographer has heard him say that he has surprised friends by telling them how he noticed their conduct during his speeches.

Mr. Conkling was to the last degree a man of detail, and nothing escaped his notice. He would turn, while in court or on the platform, to different parts of the house, now bowing to a friend, now frowning at an enemy. He had always a stock of stories to tell from time to time in order to relieve his hearers. In his printed speeches these anecdotes were generally stricken out. The following non-partisan article concerning Mr. Conkling's earlier oratory is taken from the *Central Independent*, of Utica and Ilion, for August 13, 1858.

Roscoe Conkling is, perhaps, the best debater in the county and one of the best in the State. Without attempting to analyze his style, or even to sketch that which is unreportable, his manner, with its electric power, we merely state the fact that his physique, his voice, his manner, his matter and his success all furnish the evidence of his claim to the title of orator. The multitudes who heard him during the six weeks he devoted to the Fremont campaign when he took the stump in behalf of the "Pathfinder," will bear a willing and ready testimony to the estimate we make of Mr. Conkling's great power of speech. Those who heard him at

the Fremont mass meeting at Trenton, and the gatherings of the people in Utica, Clinton, Deerfield, New York Mills and elsewhere, pronounce his efforts the most eloquent and argumentative that were made in favor of Fremont during the campaign. In whatever he says or writes, we are impressed with the out-and-outness of his tone, with the freshness and boldness with which he assumes his positions, and the outspoken earnestness with which he maintains them.

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Scraps of speeches and extracts from essays do not give a correct impression of the style of a speaker. We must have the live thunder of the voice, the electric power of the mind, the spirit which moves on the great deep of human sympathy, to appreciate the force and genius of an orator. Mr. Conkling has a commanding voice, a graceful and easy manner, a choice selection of language, and his mind is stored with beautiful imagery, but he excels in debate—argument is his forte, and there are few men who can successfully measure lances with him in the arena of discussion.

Of Roscoe Conkling, the *Utica Observer* of April 18, 1888, said :

As a Republican campaign orator he was, so far as the Democratic party was concerned, the most dangerous man of his time. Yet it is a wonderful and significant tribute to the peculiar quality of his personal and intellectual strength that the very party voters whom he unsparingly condemned, through the agency of their political devotion, grew to be his most sincere admirers and his warmest defenders.

In delivery he was slow and careful to pronounce every syllable. When speaking to large audiences he gave special attention to the enunciation of the *vowels*; and when addressing a judge or jury he displayed such fervor that he conveyed to his hearers the impression that he

felt and believed every word that he uttered. He could modulate his voice so that in strength and flexibility it met every necessity of the popular occasion.

He was in the habit of complimenting his audience, and in some cases he carried this practice to extremes. He was essentially an actor; and although he did not seek the applause of the gallery either in Congress or at the hustings, he enjoyed it. One of his Senatorial colleagues said, "Had Conkling studied for the stage, he would have become one of the greatest modern exponents of the drama."

When addressing a political meeting he would oftentimes use the rising and falling inflection of the voice in a dramatic manner; and he was quick to take advantage of an interruption or confusion in the audience. To illustrate: Many years ago he was speaking to Republicans in Oneida County when some persons in the rear of the hall indulged in loud talking. He at once lowered his voice so as to be inaudible to all but those near him. Thereupon cries of "Louder, louder!" were raised. At first he pretended not to hear, by placing the hand behind the ear. When the audience persisted in their cries, he said, "What! 'louder'? I thought I was interrupting private conversation all over the house." It is unnecessary to say that

the orator was allowed to proceed without further annoyance.

In an autumnal campaign, when speaking at Buffalo, he was interrupted by a drunken man accosting him from the audience. Cries of "Put him out!" were raised. "No," said the Senator, "I wouldn't put him out;" and turning to the chairman, who was just moving to have the interrupter silenced, said, "Let me deal with him;" and, addressing himself to the stranger, continued: "I am waiting to find my neighbor; I want to ask him to change places with me. If he won't do that, I ask him, whenever I speak so loud as to interrupt his conversation, to tell me and I will lower my voice." The Senator then resumed his speech.

On one occasion a youth called out, "That's not so, Senator!" Quick as a flash he pointed to the person in front of the offender and said, "Will the gentleman with the gray coat and white vest please sit a little this way so that I can see my opponent?" All eyes were turned to the interrupter, who thereafter behaved himself properly.

A noteworthy feature of his speeches was his wonderful command of language. He preferred short words, but he frequently wove them into picturesque phrases, which passed into the language of the day. His brother-in-law, Horatio Seymour, was also an employer of brief words.

The ex-Governor once wrote an address to school-teachers which consisted chiefly of monosyllables. It is possible that through intimacy with Mr. Seymour he early adopted, to some extent, his style of speech.

A member of President Grant's second Cabinet told the writer the following anecdote :

One day Senator Conkling was calling at my department, when he remarked, "Young man, do you ever make speeches?"

The reply was, "Sometimes."

Then, said the Senator, "You should use short words." He then thus quoted the first verse of the Gospel according to St. John—

"In the be-gin-ning was the Word, and the Word was with God, and the Word was God."

He pronounced the word "beginning" so distinctly that it sounded like three words. He then recited the next three verses, which, with two exceptions, consist of monosyllables.

The Hon. Charles Sumner said of him: He knew English to the last shade." Senator Thurman once remarked in debate: "There is no man in the Senate so great a master of language as the Senator from New York (Mr. Conkling). We all confess that;" and James Parton has lately said to the author, "Your uncle was a master of expression."



Mr. Conkling early acquired the habit of reciting while dressing for breakfast, often giving entertainment to his whole household by selections from the modern masters of eloquence. It is not generally known that his most striking quality as an orator was his marvelous power of mimicry. An intimate legal friend has said to the author: "Before Roscoe Conkling went to Congress he often amused us by his talent for mimicry. I have heard him imitate Judge Morgan, in a charge to the jury, so well that if I had shut my eyes I would have thought the judge himself was speaking."

After entering Congressional life Mr. Conkling changed slightly his style of speaking. A witness of his speech against slavery on January 30, 1861, says that during the delivery he walked a little in the aisle. When he became a Republican leader of the Senate his seat was on the middle aisle, and although he could then easily take a few steps from his desk, he generally stood close to his chair. In his campaign addresses he became less familiar with the audience and perhaps more impressive in his manner.

We have seen that Mr. Conkling was always formidable when before a jury. After his election to the Senate in 1867, he undertook but two criminal cases, which were tried in the same year.

He thus lost many opportunities for the display of persuasive oratory.

In 1869 he won a very large verdict in an action for personal injuries against a railroad company. He summed up to an intelligent jury, and his excessive recovery was due to what we may call the eloquence of "personal magnetism." His great power over an audience was well shown in the New York State Conventions at Syracuse in 1871, and at Utica in 1880.

On the former occasion there was a mortal fight between the two rival factions of the Republican party. There was danger that his friends might not succeed. Wide consternation was prevailing, but at the critical moment he threw himself into the breach. He was victorious; but it was a triumph in the face of imminent defeat.

In the Utica Convention of February, 1880, the unwise plan of issuing tickets had been adopted. Hence the enemies of Mr. Conkling procured *fac-simile* tickets for their supporters. The gallery was packed by a hostile crowd. When Mr. Conkling rose to speak, the intruders became so boisterous that his voice was hardly audible. Pausing a moment, he quoted slowly, with telling effect, Raleigh's line:—

The *shallows* murmur, but the deeps are dumb.

This is misleading. The quotation, occurring in the latter part of his speech, was in answer to a condition that he had perceived—an imaginary one in a convention. He had been called

A burst of applause followed, and the noisy members of the audience were awed to silence.

His speech nominating Grant for a third term, which is printed in another chapter, gave the Senator a chance to exercise his mighty sway over an immense throng.

Some of his colleagues have remarked that his three most impressive speeches were delivered in the executive sessions of the Senate during the years 1870, 1876 and 1877. The first was upon the confirmation of Thomas Murphy as Collector of the port of New York. Senator Fenton had for four hours spoken against the nomination. Mr. Conkling wished time to reply before his colleague could force a vote. Hence he went to a friendly Senator from the West and asked him to move that he be given sufficient time to refute Mr. Fenton's charges. The request was promptly acceded to, and Mr. Conkling was allowed an hour. He then began, speaking without notes, and warmly defended Mr. Murphy. He directed against his colleague a fire of scathing sarcasm which baffles description. Concerning this speech one aged Senator said to the author: "It was the most terrible philippic I ever heard. The Senate sat spell-bound for an hour. We all listened with breathless anxiety." The result was a complete victory for Mr. Conkling, for Thomas Murphy

was confirmed with but *three* dissenting votes. A friendly Senator from the South who was present, afterward remarked to Mr. Conkling, "If you had spoken of me in that way I should have killed you." The Senator from New York smiled silently in reply.

The second speech to which we have just referred was during the trial of General William W. Belknap in the spring of 1876. Senator Conkling had the floor on two afternoons and spoke some six hours. The second day was sultry, and the Senator suffered much from the close atmosphere of the Senate chamber. The bystanders in the corridors were expecting an adjournment every instant. At last a Republican came out and said to a friend of the author: "Conkling has changed the result. We have just heard four hours of royal-purple eloquence."

The third memorable speech was upon the removal of Chester A. Arthur and Alonzo B. Cornell, respectively, as Collector and Naval Officer of the port of New York.

Their terms had not expired. They were Mr. Conkling's warm supporters, and he was not willing that a Republican President should remove them capriciously to gratify an ambitious Cabinet minister.

Accordingly, although the persons proposed for

their successors were capable men, he would not remain silent when two officers in good standing were to be displaced *without* cause. To this end he made a most pathetic appeal, and the Senate rejected the two nominations. After adjournment, however, Messrs. Arthur and Cornell were suspended in July, 1878.

We have space to describe but few of his oratorical triumphs in the open Senate and on the hustings. As a debater, his superiority could not be questioned. His character was controversial. He coveted an opponent as much as a subject; a provocation as much as an incitement. The masterly manner in which he conquered Senator Schurz in the controversy over the sale of arms to France, and his victories over Senators Hill and Lamar upon other memorable occasions, disclosed his great resources in combats where "Greek meets Greek" in the tug of parliamentary war.

An orator has been defined as "one who, in a public speech, persuades an audience to his purpose." Surely Senator Conkling's powers as an orator were well shown in addressing popular audiences on the political issues of the hour. It was a common thing for him to hold for hours thousands of hearers with enthusiasm, if not spell-bound. Complete readiness for the occasion was a notable attribute of this orator.

We shall not further dwell upon his oratorical triumphs, but the greatness of his capacity was never more conspicuously shown than during the campaign of 1880, the last canvass in which he took part. No speaker was then in such demand. His speeches were very long and each one was distinct in character and phraseology. He thereby displayed a versatility rarely equaled in the United States, and perhaps not surpassed by Mr. Gladstone in his tours through Great Britain.

Concerning Senator Conkling's method of preparing speeches, it may be said that his first speech in a campaign was usually written out. It was a statement of the case and became the basis for a series of speeches. He rarely used notes, except when giving statistics. He was commonly most effective on occasions of emergency whilst thoroughly aroused. During many years he was the spokesman of his party in the State of New York, and persons often traveled twenty miles to hear him. Were his speeches collected in one volume, they would make an invaluable manual of the political history of the nation from 1861 to 1881.

Shortly before his death Mr. Conkling remarked, in substance: "Whenever the question of high and low tariff is raised in New York, and properly presented to the people, a majority of the voters of the State will favor the high protective system."



In view of the result of the election of 1888, despite Democratic patronage, this prediction of Mr. Conkling, it will be seen, was prophetic.

Regarding Senator Conkling's readiness as a debater, one of his distinguished Congressional associates said: "It often seemed to me that Conkling could get up and, apparently without preparation, make a long and convincing speech upon any topic."

Senator Conkling, unlike one of his "college-educated" colleagues, did not speak for posterity. His debates and orations on the floor of both Houses of Congress were temporary in the sense that they were adapted to the day and the hour of the subject under consideration. Mr. Conkling once said that he never had time to "polish" his speeches. They were not drafted and rewritten with the care of the collegian who competes for the class prize in composition. In his famous discourse on the extra session of the Senate, April 24, 1879, he closed by saying: "I have with candor spoken somewhat of my thoughts of the duties and dangers of the hour."

As specimens of Mr. Conkling's eloquence, the following extracts are here printed.

We begin with an excerpt from one of his earliest preserved speeches in the campaign of 1852:

\* \* \* There is a story somewhere that in ancient times the mountains seemed in labor and shook with mighty convulsions. The people collected from far and near to behold the wonderful spectacle, expecting some mighty results. At last out crept a mouse, the only fruit of all the quaking. I was reminded of this fable in reading an account of the gigantic labor and the dwarfish birth of the Baltimore Convention—a convention which thrust aside all the eminent and able men of a party to make room for a man of vast and various misinformation, brilliant disqualifications and prodigious moral requirements.

But who is the candidate whose election at this time we are called upon to oppose, this mouse of the mountains of New Hampshire?

In the first place, his party had great difficulty in ascertaining his name: it was called Page and Price, and when I heard it called Purse it made me think of the adage about making a purse of the ears of an animal which runs about the streets sometimes. His name being established, they set about his history, and after publishing a biography of his father, claiming it to be his, they found that the lineage of their candidate ran back to the Percys of Northumberland and lord some one or other. Happily for us, we are saved all trouble in looking up the name and ancestry of our candidate. Winfield Scott was baptized upon the battle-fields of his country, in the blood of his country's enemies; and the people of the two hemispheres were the sponsors at the altar. He possesses no charnel-house greatness, no respectability reflected back from the tomb; he claims no descent from a house of English nobles, and he needs none; he stands enrolled in nature's peerage, and carries his patent of nobility in his heart.

I have no desire to attack the personal character of Franklin Pierce. So far as I know, his character is such as to entitle him, not only to immunity from slander, but to commendation and respect; and if it were not, his habits and vices are not, in my judgment, fit subjects of political discussion. But, gentlemen, while we stay our hands from meddling with the private life and moral character of Mr. Pierce, we must not forget the brutal attacks and vile slanders which, in 1844, were poured out upon the head of Henry Clay. At the Convention which nominated James K.

Polk a placard was exhibited in the vicinity of the hall where the Convention met, upon which was painted a full-length portrait of Henry Clay, holding in one of his hands a pack of cards, and in the other a pistol, thus to represent at a single stroke the duelist and the gambler. The same occurred at a meeting afterward held at the town of Oriskany in your own county. Hunted and pursued, his private life invaded, the most loathsome slanders circulated against him in the whole opposition press, with scarcely an exception, from the St. Lawrence to the Gulf of Mexico—no wonder that, in his own words, he “seemed to himself like an old stag who, having been coursed by the hunters and the hounds through brakes and briers, over fields and rivers, had returned once more to his lair to lie down and die”! It is not for us to take up this vile warfare against our opponents for the sake of avenging the wrongs of Henry Clay, for vengeance belongs not to man. But we have a duty to discharge to our departed chieftain. Henry Clay is gone, but his principles remain. He has left us a noble inheritance to guard, and it behooves us to preserve it and transmit it bright and unimpaired to those who shall succeed us.

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About the year 1853 Mr. Conkling, while addressing a jury in a murder trial, uttered these words:

Dark and dreary as is the day, it is far too bright for such a deed. “Hung be the heavens with black,” and let the court-house and all Herkimer County be hung in mourning on the day when twelve of her sons will take from their fellow-man his life or his liberty on such testimony as this.

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The day is too bright and too beautiful for such a deed. Nature and man should shudder! Heaven and earth should give note of horror; the skies should be weeping; the winds should be sighing; the bells should be tolling; the court-house should be hung in mourning; the jury-box should be covered with crape—on the day when a father, a husband and a citizen of Herkimer County is sent to a prison or a gallows upon such testimony as this.

In Chapter VII. (pages 115-118) the reader will find some eloquent passages regarding the then perilous state of the Union.

The description of the battle of Ball's Bluff in Chapter IX. (pages 140-147) is a good example of Mr. Conkling's narrative.

He made, April 29, 1862, a forcible speech entitled, "The Special Committee on Government Contracts—What it has Done." Among other things he said :

The doings of the Committee—its extraordinary doings—have led to the most widespread misapprehensions and exaggerations. They have filled the whole country with indiscriminate suspicion and distrust. The political complexion of the Committee is such that its sayings and doings were calculated to have far greater effect than would have been the case if it had stood in political antagonism to the present Administration. Its flitting constantly from State to State, sometimes from one side of the Union to the other, the vague mystery in which it has been enshrouded, with its still vaguer givings out, its secret sessions, and above all, the sweeping and unmeasured declarations of some of its members, have engendered the belief, not only at home, but abroad—and, I judge from the foreign papers, more abroad than at home—that corruption and venality are universal in this country, and that swindling and theft, like the frogs of Egypt, have entered the very kneading-troughs of the land. Such an impression is a wicked aspersion upon the American people; it is as false of them as of any nation in history, and if possible more false now in the hour of their patriotic trial than ever in the time of their prosperity and peace. I charge no man with a design to do this great wrong, but it has been done, and as an humble lover of my country I deplore it with impatient regret. In addition to this all-embracing injury, the proceedings of the Committee have done injustice—gross, irreparable injustice, to individuals and classes. So much is ad-

mitted now, though not voluntarily admitted; but it is said to have arisen from inadvertence and mistake. So be it; that does not lighten the obloquy which has blasted private character and public reputation.

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Groundless as it may be, it has gone forth as an announcement by the Committee—gone beyond recall. Yes, sir, a poisoned arrow, poisoned with the virus of exaggeration and feathered with the franking privilege, has been shot far and wide to the remotest confines of the loyal States of the republic. Like other statements and insinuations made by that gentleman, however elaborately they may have been prepared and conned over, this is a reproach, an impeachment of the existing Government, which I think, on reflection, he will long to recall. But, sir, another evil, greater, perhaps, than any other, has resulted from these anomalous proceedings. A system of semi-judicial, one-sided trial and condemnation has been inaugurated for the first time, I am happy to know, in the history of the nation; a system which finds no place in any enlightened jurisprudence, nor in the genius of any free government, and no defence in any sound code of morals; a system utterly subversive of the plainest principles and safeguards of justice and the rights of the citizen. Jurisdiction has been assumed of the characters of men, and their rights of property, and judgments blasting to both have been pronounced on *ex parte* testimony, testimony taken in secret, and of which the parties aspersed were never informed. Men have thus been tried unheard, and convicted, stigmatized, and hung up to fester in infamy as long as their names can retain a place on the roll of remembered names. \* \* \*

Mr. Conkling closed his long argument in the famous Haddock court-martial (see page 243) in these words :

This trial and its result may be looked at by those who come after us as a straw denoting currents in the decadence or the regeneration of public morals. Should it be ever so recurred to, each one who has acted his part in it decently and in order



may rest assured that it will be well with him. One humble part has been, we are told, acted zealously—that part is mine. It is true that I have been diligent in laying bare these iniquities. Give me a certificate of my zeal that I may leave it to my children, and bid them say of me: “He did his utmost to gibbet at the cross-roads of public justice all those who, when war had drenched the land with blood and covered it with mourning, parted the garment of their country among them, and cast lots upon the vesture of the Government while they held positions of emolument and trust.”

On July 27, 1866, while opposing the admission of David T. Patterson (an ex-Confederate) as a Senator-elect from Tennessee, he remarked :

\* \* \* If the oath cannot stand against Mr. Patterson, it cannot stand against one of those who, reckoning all the fifteen former slave States, are to cast ninety-four or ninety-six votes in this House, if Representatives are to be admitted without waiting for the ratification of the amendment of the Constitution changing the rule of apportionment and representation. The Southern members will then number almost one-half of this entire body, and they will find enough here in sympathy with him, if they are to be men who cannot by an oath purge themselves of treason, to ring the knell of the day during which the public credit is to be preserved, during which the public faith is to be kept inviolate, during which repudiation is to be spurned and driven from these Halls. Sir, I say it is amazing; I say this whole scene to-night is a sad commentary, a picture sorrowful to be gazed upon by the people of this country, and justly sorrowful to none so much as to those who have argued and believed that we would have been safe heretofore” in admitting even the most regenerated, the most redeemed, the most disenthralled of the rebellious States.

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In a speech at Utica, September 13, 1866, entitled “Congress and the President,” he said:



The commercial, the agricultural, the material, the social, even the political, prosperity of the South did not and does not depend at all upon whether members of Congress from the South commence speaking and voting twelve months sooner or twelve months later. If no object was aimed at but the general good of the country, and of the South as a part of the country, nothing could be lost by leaving the federal legislation and the general Government temporarily in charge of those who sealed their devotion to it by adhering to it and upholding it while it was gasping for life.

Left free to manage their own Governments and their own affairs, with their people pardoned of all their sins, and their property left to them, and restored to them where it had been confiscated, hasty representation in Congress was the last thing the Southern States needed for any honest purpose. It was the last thing which, left to themselves, they would have thought of demanding. After rejecting every overture of amnesty and pardon, if they would but stop the war; after having kept up a savage effort to destroy the Government until the utmost harm had been done, and their weapons were actually struck from their hands—the last thing to enter their minds, if properly treated, would have been the attempt instantly to assume control of that country which they had burdened with debt and filled with mourning.

Human audacity is unequal to such assumption; and, besides, the true interests of the Southern masses could not be promoted by it. They needed everything *but* representation.

They had need to sow, they had need to plant, they had need to build, they had need to mend, they had need to heal, they had need to re-create—in short, their need of needs was *to go to work*.

To be permitted to do this was their brightest hope when the war closed. With everything forfeited, by the laws of every civilized nation, with their lives, their liberties, their possessions all gone, according to the plainest provisions of the Constitution, the insurgents would have accepted, joyfully, less than you and the whole North would have given them; they would have thanked you for their lives.

Their leading men made no secret of this—they could not

make a secret of it—it was patent on the face of things. Had the masses of the South heard amnesty proclaimed for them, had the ringleaders of the Rebellion been dealt with according to the law as our fathers made it, or had they been put in any way on their good behavior and kept there, the Southern people would have gone to tilling the soil, and building up commerce and manufactures; and then no Freedmen's Bureau would have been needed, because there would have been demand for all the labor to be found, and a fair day's wages for a fair day's work; then we should have had no such standing army as is now kept up, because good order and peace would have been the common interest and necessity of all. \* \* \*

Is it not amazing that such an uproar can be raised on such a pretext? I say pretext, because the allegation is that we are "punishing" penitent and conquered men. We hear it said, "They gave up, they cried enough, what do you want to *punish* them for after that?" It isn't true that they "gave up"—they did not give up, they were actually compelled to submit; but suppose they did give up, could anything be more shameless than the pretence that we are "punishing" them? Punishment!—what is meant by punishment? Three hundred thousand men sleep in bloody shrouds; the nation groans under a debt which only posterity can pay; every luxury, every comfort, every necessary of life, is burdened and embittered by taxation; the world stands aghast at the atrocity of the crime which has been perpetrated against humanity itself; and yet nobody is to blame. The Philadelphia Convention says they acted from what they believed to be their duty. No man has been convicted of treason. No man has been put on trial for treason. Old John Brown is the only man who ever expiated treason on an American gibbet, and that was "treason against a sovereign State." No man but Jefferson Davis is in prison, and the papers say he is about to be set free. All the others have been discharged, including the pirate Semmes—he has been elected a judge in Alabama, but he is undergoing the torture of being "unrepresented," and is now watching the canvass in the North to see whether the election will put an end to his sufferings. The President inquires if this is the Government of Washington. I ask you if it is the Government

of Washington. Is it the Government of men who wrote on the frontlet of their statutes, "The punishment for treason shall be death," and who did not write "The reward of treason shall be wholesale pardon, and representation beyond that enjoyed by loyal men, for traitors whose hands and faces are dripping with the blood of murder"?

Marvelous as all this seems, the fact is upon us that a plan is afoot, with a large following in the country, to give over the Government into the hands of its enemies. This brings us to the consideration from which the question of Reconstruction derives its real, present importance. As the chief element in the election, it threatens us with dangers and evils which can be averted only by the election of Union representatives in Congress in so many districts that there will be a true majority over all other districts, North and South, united. \* \* \*

In the Senate, February 22, 1870, Mr. Conkling, after disposing of the legal issue involved in the proposition to repeal a resolution of the Legislature of New York ratifying the fifteenth amendment to the Constitution, said:

When emancipation was proclaimed, the charioteers of Democracy plied whip and spur to trample down all who would allow black men even to fight or to work under the flag of the nation. \* \* \*

Truth and common sense were hooted and buffeted, and unkenneled cowardice and ignorance barked in hideous chorus. Wantonness and infatuation ruled the hour. Drugged with error, dizzy with fear and maddened with passion, men and women were led from meetings to mobs; from a dance of faction to a dance of death. In the city of New York, duped and imbruted thousands rioted in blood; the blade, the bullet and the cup did each its work, and the torch sent up from the Christian soil of that imperial city the smoke of a burning orphan asylum, to tell in heaven of the inhuman bigotry, the horrible barbarity, of man. Emancipation prevailed, the uplifted banners of opposition and

revolt went down, and the nation's flag waved safe conduct to black and white alike from Mexico to British America.

\*       \*       \*       \*       \*       \*       \*

The objection, we are told, is that ignorance will be introduced into the ballot-box, and the suffrage will be cheapened and degraded! Is not that a masquerade where managers of modern Democracy appear as the champions of an uncontaminated and immaculate ballot? How will history christen the occasion on which the chiefs of the society of Tammany assume the rôle of defenders of the ballot-box against ignorance and vice? Such a proceeding cannot be a drama; grim enough for tragedy, it would be hooted as ironical; too grotesque for comedy, it would be hissed as an extravagance.

Sextus as a vestal virgin, Shylock as a philanthropist, Satan as a reformer, wolves as shepherds! If these personations be not easy and natural, what shall be said when the managers of the Democratic organization in the city of New York personify the purity and preservation of elections?

The fifteenth amendment \* \* \* will give the ballot in the State of New York to seven or eight thousand men. These few will be endowed with political rights amid the scowls of multitudes. Some of them may be ignorant and debased, but not one is less deserving of a vote or of respect than those who, themselves depraved, have been organizers and architects of depravity. This is a truth for which the Constitution is a fitting place—*the birth-day of Washington a fitting time.*

In a campaign speech at Albany, October 11, 1871, he thus denounced corruption.

\* \* \* America alone has a government rooted in the people—a government with a base so broad that the mightiest of wars has vainly dashed against it and been shivered into spray. *Proof to the tempest shock, our nationality need no longer dread the storm—force cannot uproot it. But the pestilence that wasteth at noon-day, what shall be said of that? Corruption, with its stealthy creep, its leprous touch and its deadly breath—corruption which has rotted and wasted so many fair fabrics—will that mark us for de-*

*struction too, as the sea-bird blasts the tree on which he builds his nest?* The times are too murky to forecast this question; it must be hammered out of the anvil of the future. It is not a question for the battle-field, it must be answered every day, and, most of all, election-day. It concerns politics and political parties. Courts, Congresses, Legislatures, City Governments—all these are the public agencies; but what they are, and what they do, depends at first and at last on elections. Everything in public affairs comes from the ballot-box. Every reform must be upheld by the ballot-box, or it is a tree without roots.

Crying, flagrant, dangerous abuses challenge attention in this great State through all its length and breadth. Reforms, if attainable at all, must come through one of the two political parties. Fortunately or otherwise we must make choice between the two great organizations, into which the whole country has long been divided. One or the other is to govern us; there is no alternative. Which is the safer to trust? That is the question. \* \* \*

Some eloquent passages are found in the speech on the "One-Term Dogma," January 11, 1872 (Chapter XX).

In a speech of March 19 and 20, 1873, concerning the alleged bribery of the Legislature of Kansas in the recent election of a Senator, he said :

But, sir, Mr. Caldwell is not indebted to himself or to his merits, nor alone to his money, for being chosen Senator. It was not Mr. Caldwell who was elected ; as I read the evidence, it was the city of Leavenworth. What politicians know as "the shrieks of locality" prevailed in the election so largely that I am moved to say, as I have sometimes thought, that *locality* is perhaps the first element of American greatness. When I remember all that fell to the lot of men because they lived south of Mason and Dixon's line, and all that befell men because they lived north of Mason and Dixon's line; when I remember the factitious importance given to the claims of locality, I repeat that in American



politics, as a rule, locality is perhaps the first element of political success. Here is the code of Maryland [holding up a volume]. Look at the importance which Maryland attaches to locality and the will with which she orders the residence of her Senators. Here is a statute, in violation of the Constitution of the United States, in which stand these words :

One of the Senators shall always be an inhabitant of the Eastern Shore, and the other of the Western Shore, of Maryland.

“My Maryland.” [Laughter.]

Leavenworth wanted a Senator; and all the cohorts, all the dwellers in Mesopotamia, in the hill-country and in the valley, rallied under the banner of Leavenworth! Then it was that Thomas Carney loomed into importance; he lived at Leavenworth. If two candidates were to be presented from Leavenworth, both would fail; division would be destruction, and they would be buried in a common grave. Thus came the opportunity, first to blackmail Caldwell, and afterward to snap at him with less than the magnanimity of the reptile that rattles before it strikes.

\* \* \* \* \*

Senators, let us, the elect of States, sitting as judges and jurors, see to it that here no sail is trimmed to catch a passing breeze of applause or acclamation. Let us see to it that no coward thought of praise or blame creeps into the wavering balances in which truth is to be weighed. When the din and sensation of this hour are forgotten, when we have left these seats forever, when the volume of our lives shall be closed, when the relics of these times shall be “gathered into History’s golden urn,” let there be found in this painful case a record showing that the American Senate was calm enough, firm enough, trustful enough, to maintain the genius, the spirit, the methods and the safeguards of the Constitution as our fathers gave them to us.

The following is an extract from a campaign speech at Brooklyn, October 30, 1874.

*This land of ours has long been kept filled with din about universal corruption. A foreigner reading a large part of the American press, or traveling through the United States and listening to*



*what has come to be the general rule of talk, would suppose we had fallen on the most depraved and venal era of the republic, if not of the world. Everything is depreciated. Nothing is exempt from the mildew of detraction. From the President down, every man in public station, every candidate for public station, is treated as if he were a vulgar trickster and schemer. The presumptions of common sense are reversed. Formerly, if a man was selected by his neighbors for a public trust, the presumption was that he was worthy, and one of the presumptions of the law for a thousand years has been that a public officer does his duty. But now, a man need only be nominated to be at once suspected; he need only be in office to be the mark for every foul imputation. All this, of course, takes effect chiefly on the party in power. For fourteen years the Republican party has held power, save during the three years when the Democratic party and Andrew Johnson pressed each other to each other's bosoms. What has been accomplished during these memorable years I forbear to state. If we dare refer to the past we are told that we must not, that a party cannot, live on its past—and this is true; but when you want to know what a man or body of men can do or will do, it is rather useful to know what they have already done.*

\* \* \* \* \*

This republic of ours is the only considerable experiment extant on the globe, of a government "of the people, for the people and by the people." Its theatre is a continent blessed with abundant and matchless natural advantages. Its polity and its institutions are the work of extraordinary men, drawn from many older nationalities—men profoundly versed in government—and they consecrated themselves to devising a system superior to any mankind had known. It has endured a hundred years in the world's most enlightened age, and if now the experiment has culminated in one grand carnival of venality and paradise of tricksters and plunderers, who dares come next in the march of nations to dispute the divinity of kings?

\* \* \* \* \*

In closing an argument on a railroad tax case in 1874, Senator Conkling took occasion to refer to the

abuse that is sometimes heaped upon a lawyer for espousing an unpopular cause. He closed as follows :

In this country the *morale* of the profession in this respect has not yet reached the standard which has long been maintained in Westminster Hall; but I would hold myself unworthy a place on the rolls if, on being asked to argue a case involving a great sum of money, the reputations of many and the interests of many more, and involving also grave questions of law, I should shrink from standing at the bar of the country and vindicating as best I could the Constitution, the law and the right, even for an unpopular or hated client, because political opponents or slanderers might defame me for doing it. I give my gage that if the time shall ever come, politics or no politics, when I am afraid to brave such dangers—afraid to hew to the line of professional integrity and fidelity, let the chips fly where they may, I will confess myself unworthy to stand before a court, unworthy membership of the Bar, unworthy the association of men who place truth and honor above the passionate discords, the groveling resentments, or the acclamations of the hour.

\* \* \* \* \*

Thus he concluded his forcible speech concerning "The Nation and Louisiana" January 28 and 29, 1875:

\* \* \* \* \*

Mr. President, I have been speaking of history—the history of Louisiana. It is the statesman's task to turn history into philosophy and prophecy. The modes adopted in New York and Louisiana are widely unlike; there is a broad difference between them. Whence comes this difference? In what is it rooted? Four million black men are the great factor in the problem. When the fate of the nation trembled in the wavering balances of war, they struck no blow at the republic; they stood by the flag; they prayed for it; they toiled for it; they fought for it. The American people said they should be free and be citizens; and the American people imbedded their will in the bulwarks of the

Constitution. The nation forgave its enemies, and left the ballot and the right of self-government to them. But the same nation, at the same time, conferred the ballot and the right of self-government on those who, galled by centuries of oppression, had still been true in the supreme hour, and had won their liberty and their citizenship on<sup>g</sup> gory fields of battle. Congress did not do this. The people did it. The people in the States, speaking through their State Legislatures, put manhood, citizenship, the ballot, and equal rights for black men, into the Constitution.

There stand the amendments of freedom! The nation is for them; civilization is for them; humanity is for them; God is for them; and political parties and revolutionists shall not prevail against them. A great body of men in the land is not for them, but against them. A great body of men in the land will not submit to them. Social equality is no part of them, but hate and pride rebel against them. This is the moral rebellion of to-day. Drop it in good faith, man-like, and the South will be tranquil in half a year.

\* \* \* \* \*

This is the issue for the South. I fear for awhile it will remain the issue. Those most concerned can untie the knot. If they are imprisoned in commotion and disorder, they carry the key to their own prison, and can unlock it if they will and when they will. Those who have their confidence can persuade them to do it. Here is the solution—an easy, honorable, effectual solution. It will not be brought about by stirring the smoldering flame that burns upon a charnel-stone. It will not be brought about by exasperating ancient animosities or reviving sectional schemes. It will not be gained by cloaking or denying the truth. It will not be wrought out by evasions and perversions, worse than apologies for wrong. It will come, when it does come, from an honest, manly acquiescence in the modes and the spirit of free majorities—the best system of government man has known—although, like everything human, it is imperfect, like everything human it sometimes falls short of exact and perfect justice.

In the State campaign of 1875, referring to a pamphlet making a false claim upon the voters to

support a Democratic Governor, Senator Conkling said:

\* \* \* This tract being drab, and a work of fiction, would seem to belong in some sort to the yellow-covered literature of the times. It is being sent broadcast, as lithograph letters—which passed off as autograph letters, purporting to come from one of the candidates for Governor—were sent last year to the people, including bell-boys and chambermaids in hotels, soliciting votes. It is made up largely of speeches of Governor Tilden, addressed to boards of trade and agricultural fairs, and delivered on other non-partisan occasions of civility and hospitality. My friend the professor, in the box, will see in this a resemblance to an accordion, something of the kind upon which mendicants (not political) play upon the street-corners. It contracts and expands easily. It appears to have been issued by Tilden & Co., medicine men; it states that its contents is a cure wholly vegetable; that it is a remedy for everything from cholera-infantum to cancer—from scrofula to cerebro-spinal meningitis. It is probably a remedy like the patent medicine told of by a prominent Democratic resident of the banks of the Hudson River, who said that an old man ready for the grave, after taking a few of the pills, came out young and new and robust, and had enough of pills left over to make a good-sized dog” [Laughter]. \* \* \*

The following are excerpts from his speech of April 24, 1879, upon the bill making appropriations for support of the army.

Until now no madness of party, no audacity or desperation, or sinister, sectional, or partisan design, has ever ventured on such an attempt as has recently come to pass in the two Houses of Congress. The proceeding I mean to characterize, if misunderstood anywhere, is misunderstood here. One listening to addresses delivered to the Senate during this debate, as it is called, must think that the majority is arraigned, certainly that the majority wishes to seem and is determined to seem arraigned, merely for insisting that provisions appropriating money to keep the Govern-

ment alive, and provisions, not in themselves improper, relating to other matters, may be united in the same bill. With somewhat of monotonous and ostentatious iteration we have been asked whether incorporating general legislation in appropriation bills is revolution or revolutionary? No one in my hearing has ever so contended.

\* \* \* \* \*

In the case before us, the design to make appropriations hinge and depend upon the destruction of certain laws, is plain on the face of the bills before us—the bill now pending, and another one on our tables. The same design was plain on the face of the bills sent us at the last session. The very fact that the sections uncovering the ballot-box to violence and fraud are not, and never have been, separately presented, but are thrust into appropriation bills, discloses and proves a belief, if not a knowledge, that in a separate bill the Executive would not approve them. Moreover, both Houses have rung with the assertion that the Executive would not approve in a separate measure the overflow of existing safeguards of the ballot-box, and that should he refuse to give his approval to appropriations and an overthrow of those safeguards linked together, no appropriations should be made.

The plot and the purpose then, is by duress to compel the Executive to give up his convictions, his duty and his oath, as the price to be paid a political party for allowing the Government to live! Whether the bills be united or divided, is mere method and form. The substance in either form is the same, and the plot, if persisted in, will bury its aiders and abettors in opprobrium, and will leave a buoy on the sea of time warning political mariners to keep aloof from a treacherous channel in which a political party foundered and went down.

\* \* \* \* \*

The Army bill now pending is not, in its political features, the bill tendered us at the last session a few days ago; it is not the same bill then insisted on as the ultimatum of the majority. The bill as it comes to us now, condemns its predecessor as crude and objectionable. It was found to need alteration. It did need alteration badly, and those who lately insisted on it as it was, insist on it now as it then was not. A grave proviso has been added



to save the right of the President to aid a State gasping in the throes of rebellion or invasion and calling for help. As the provision stood when thrust upon us first and last at the recent session, it would have punished as a felon the President of the United States, the General of the Army, and others, for attempting to obey the Constitution of the United States, and two ancient acts of Congress, one of them signed by George Washington. Shorn of this absurdity, the bill as it now stands, should it become a law, will be the first enactment of its kind that ever found its way into the statutes of the United States. A century, with all its activities and party strifes, with all its passionate discords, with all its expedients for party advantage, with all its wisdom and its folly, with all its patriotism and its treason, has never till now produced a Congressional majority which deemed such a statute fit to be enacted.

Let me state the meaning of the amendments proposed under guise of enlarging liberty on election-day—that day of days when order, peace and security for all, as well as liberty, should reign. The amendments declare in plain legal effect that, no matter what the exigency may be, no matter what violence or carnage may run riot and trample down right and life, no matter what mob brutality may become master, if the day be election day, any officer or person—civil, military, or naval, from the President down—who attempts to interfere to prevent or quell violence by the aid of national soldiers, or armed men not soldiers, shall be punished, and may be fined \$5,000 and imprisoned for five years. This is the law we are required to set up. Yes, not only to leave murderous ruffianism untouched, but to invite it into action by assurances of safety in advance.

In the city of New York, all the thugs and shoulder-hitters and repeaters, all the carriers of slung-shot, dirks and bludgeons, all the fraternity of the bucket-shops, the rat-pits, the hells and the slums, all the graduates of the nurseries of modern so-called Democracy [laughter], all those who employ and incite them, from King's Bridge to the Battery, are to be told in advance that on the day when the million people around them choose their members of the national Legislature, no matter what God-daring or man-hurting enormities they may commit, no matter what they



do, nothing that they can do will meet with the slightest resistance from any national soldier or armed man clothed with national authority.

Another bill, already on our tables, strikes down even police officers, armed or unarmed, of the United States.

In South Carolina, in Louisiana, in Mississippi, and in the other States where colored citizens are counted to swell the representation in Congress, and then robbed of their ballots and dismissed from the political sun—in all such States every rifle club and white league and murderous band, and every tissue ballot-box stuffer, night-rider and law-breaker, is to be told that they may turn national elections into a bloody farce, that they may choke the whole proceeding with force and fraud and blood, and that the nation shall not confront them with one armed man. State troops, whether under the name of rifle clubs or white leagues, or any other, armed with the muskets of the United States, may constitute the mob, may incite the mob, but the national arm is to be tied and palsied.

\* \* \* \* \*

Repeating, ballot-box stuffing, ruffianism and false counting decided everything. Tweed made the election officers, and the election officers were corrupt. In 1868 thirty thousand votes were falsely added to the Democratic majority in the cities of New York and Brooklyn alone. Taxes and elections were the mere spoil and booty of a corrupt *junta* in Tammany Hall. Assessments, exactions and exemptions were made the bribes and the penalties of political submission. Usurpation and fraud inaugurated a carnival of corrupt disorder; and obscene birds without number swooped down to the harvest, and gorged themselves on every side in plunder and spoliation. Wrongs and usurpations, springing from the pollution and desecration of the ballot-box, stalked high-headed in the public way. The courts and the machinery of justice were impotent in the presence of culprits too great to be punished.

The act of 1870 came in to throttle such abuses. It was not born without throes and pangs. It passed the Senate after a day and a night which rang with Democratic maledictions and foul aspersions.

In the autumn of that year an election was held for the choice of representatives in Congress. I see more than one friend near me who, for himself and for others, has reason even unto this day to remember that election and the apprehension which preceded it. It was the first time the law of 1870 had been put in force. Resistance was openly counseled. Democratic newspapers in New York advised that the officers of the law be pitched into the river. Disorder was afoot. Men, not wanting in bravery, and not Republicans, dreaded the day. Bloodshed, arson, riot, were feared. Ghastly spectacles were still fresh in memory. The draft riots had spread terror which had never died, and strong men shuddered when they remembered the bloody assizes of the Democratic party. They had seen men and women, blind with party hate, dizzy and drunk with party madness, stab and burn and revel in murder and in mutilating the dead. \* \* \* Remembering such sickening scenes, and dreading their repetition, they asked the President to protect them—to protect them with the beak and claw of national power. Instantly the unkenneled packs of party barked in vengeful chorus. Imprecations, maledictions and threats were hurled at Grant ; but with that splendid courage which never blanched in battle, which never quaked before clamor, with that matchless self-poise which did not desert him even when a continent beyond the sea rose and uncovered before him [applause in the galleries], he responded in the orders which it has pleased the honorable Senator from Delaware to read. The election thus protected was the fairest, the freest, the most secure a generation had seen. When, two years afterward, New York came to crown Grant with her vote, his action in protecting her chief city on the Ides of November, 1870, was not forgotten. When next New York has occasion to record her judgment of the services of Grant, his action in 1870 touching peace in the city of New York will not be hidden away by those who espouse him wisely. [Applause in the galleries.]

\* \* \* \* \*

Mr. President, the Republican party everywhere wants peace and prosperity—peace and prosperity in the South as much and as sincerely as elsewhere. Disguising the truth will not bring peace and prosperity. Soft phrases will not bring peace. “Fair

words butter no parsnips." We hear a great deal of loose, flabby talk about "fanning dying embers," "rekindling smoldering fires," and so on. Whenever the plain truth is spoken, these unctious monitions, with a Peter Parley benevolence, fall copiously upon us. This lullaby and hush have been, in my belief, a mistake from the beginning. It has misled the South and misled the North. In Andrew Johnson's time a convention was worked up at Philadelphia, and men were brought from the North and South for ecstasy and gush. A man from Massachusetts and a man from South Carolina locked arms and walked into the Convention arm in arm, and sensation and credulity palpitated and clapped their hands, and thought an universal solvent had been found. Serenades were held at which "Dixie" was played. Later on, anniversaries of battles fought in the War of Independence were made occasions, by men from the North and men from the South, for emotional, dramatic, hugging ceremonies. General Sherman, I remember, attended one of them; and I remember, also, that, with the bluntness of a soldier and the wisdom and hard sense of a statesman, he plainly cautioned all concerned not to be carried away and not to be fooled. But many have been fooled, and, being fooled, have helped to swell the Democratic majorities which now display themselves before the public eye.

Of all such effusive demonstrations I have this to say: honest, serious convictions are not ecstatic or emotional. Grave affairs and lasting purposes do not express or vent themselves in honeyed phrase or sickly sentimentality, rhapsody or profuse professions.

This is as true of political as of religious duties. The Divine Master tells us, "Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven." \* \* \*

What the South needs is to heal, build, mend, plant, sow—in short, to go to work. Invite labor; cherish it; do not drive it out. Quit proscription, both for opinion's sake and for color's sake. Reform it altogether. I know there are difficulties in the way. I know there is natural repugnance in the way; but drop passion, drop sentiment, which signifies naught, and let the material prosperity and civilization of your land advance. Do not give so much energy, so much restless, sleepless activity, to an

attempt so soon to get possession once more, and dominate and rule the country. There is room enough at the national board; and it is not needed, it is not decorous, plainly speaking, that the South should be the MacGregor at the table, and that the head of the table should be wherever he sits. For a good many reasons, it is not worth while to insist upon it.

Mr. President, one of Rome's famous legends stands in these words: "Let what each man thinks of the Republic be written on his brow." I have spoken in the spirit of this injunction. Meaning offence to no man, and holding ill-will to no man, because he comes from the South or because he differs with me in political opinion, I have spoken frankly, but with malice toward none.

This session, and the bill pending, are acts in a partisan and political enterprise. This debate, begun after a caucus had defined and clenched the position of every man in the majority, has not been waged to convince anybody here. It has resounded to fire the Democratic heart, to sound a blast to the cohorts of party, to beat the long-roll, and set the squadrons in the field. That is its object, as plainly to be seen as the ultimate object of the attempted overthrow of laws.

Political speeches having been thus ordained, I have discussed political themes, and with ill-will to no portion of the country, but good-will toward every portion of it, I have with candor spoken somewhat of my thoughts of the duties and dangers of the hour. [Applause on the floor and in the galleries.]

On June 20, 1879, in his speech in the Senate of the United States, he said:

\* \* \* History, tradition and fable have, during these twelve stormy weeks, alike been exhausted to produce an instance of Republican interference with an election by military force.

No instance has been found—not one. Kentucky in 1865 was not such an instance. Kentucky was a border State, a State lying between contending forces and sections during the greatest war of modern times. It was the boast of one of Kentucky's Senators that her quota in both armies was full. In 1865 that great body of the men of Kentucky, who had fought in the

armies of rebellion for the overthrow of the Government, the Government having triumphed and the attempt to overthrow it having failed, came back to Kentucky to participate in the affairs and elections of that State.

Abraham Lincoln was President—the same President who, on the day when Robert E. Lee marched his army into Pennsylvania, was denounced by the Democrats of Pennsylvania in State Convention assembled. On the day, or the day before, Lee invaded Pennsylvania, with the soil of their Commonwealth quaking under the tramp of armed men, marching under the uplifted banners of revolt, striving, without provocation and without cause, to prostrate the fairest, freest, greatest Government mankind had seen, with an army bent upon this fell purpose invading their State, the Democratic party—the same party which, we have heard from the Senator from Georgia (Mr. Hill), saved the Union—assembled in delegated State Convention in Pennsylvania, and denounced Lincoln, and the measures by which he and those with him were engaged in an attempt to crush that bloody, treasonable attempt. Seeing the condition of things in Kentucky in 1865, Mr. Lincoln issued, and authorized generals of the Union Army to issue, proclamations and orders which placed portions of Kentucky virtually under martial law. It was at that time, with civil authority temporarily suspended, and swarming with those who had fought in the armies of rebellion, that Kentucky became the theatre of occurrences of which her distinguished Senator complains.

The speech nominating General Grant for a third term is one of Senator Conkling's best efforts. It will be found in the Chapter on the Chicago Convention.

While addressing the Committee of Investigation of the New York Senate, March 24, 1886, Mr. Conkling said:

But let the Broadway Surface Railroad Company go scot-free; let it flaunt its stolen millions, let it triumph and flourish in its



rottenness and shameful venality, let the glamour of impunity and success cover its festering offences, and then the rising and the risen generation of honest corporations and honest men may well tremble at the prospect. Before the tribunal of public conscience, before the enlightened judgment of mankind, these stolen millions will buy less forgiveness than the pebble at the bottom of a beggar's grave.

In the suit of *Farnsworth vs. The Western Union Telegraph Company* (July 10, 1866) he remarked:

As the grave is the end of all life, so the Western Union Company is the end of all telegraph property and enterprise everywhere—at least on this continent. The need and object was to throttle and beat down all opposition in the present and terrify it in the future, so that a giant monopoly, which, like a mammoth devil-fish, already holds a hemisphere in its iron clutch, may continue and fatten on unchecked exactions wrung from the whole people as dividends on watered stock, chiefly by fewer men than now sit in the jury box.

No man, whoever he may be, would have dared such an undertaking in his own name. No man is so independently rich, none so independently solvent, none so reckless of public opinion and of his own fate, as to have the hardihood to present himself without cloak or mask as such a stabber of common right. No name but the name, no power but the power, no cloak but the cloak, of a great corporation was panoply-concealment enough against the odium and indignation which would have focused upon and blasted any single individual who openly took such domineering effrontery on himself.

We now come to a comparison of Mr. Conkling with other orators of his time. A very competent witness has lately written the author as follows:

Thomas Corwin was the superior of Roscoe Conkling in the brilliancy and grandeur of his imagination; William Pinkney and William Wirt in the glitter of their pyrotechnics; but, taking





Bangor Me Nov 30 1889

A R Conkling Esq

My dear Sir

I have your note of the 28th with in relation to my opinion of the oratorical powers of your uncle Roscoe Conkling.

In reply I will say that intellectually Daniel Webster was decidedly the ablest man I ever met. Clay too was a very brilliant man, though I did not know him until a few years before his decease and was quite <sup>sure</sup> not at his best. Time had somewhat impaired his physical condition while his mind was in full vigor.

As an orator in my opinion Roscoe Conkling excelled them both. That is an opinion I have

often expressed and  
I am the same opinion  
now.

I think of no incidents  
at this time that I deem  
worth communicating.

Very Truly Yours  
H. Hamlin



Mr. Conkling all around, and leaving out his proclivity for sarcasm, I think him, by far, the grandest forensic orator I ever heard. I did not object to his sarcasm, especially as I never felt it, but I allude to it (now that he is dead and is passing into history) by way of saying that, whilst that element of his forensic work displayed immense power, and was perhaps one of the most formidable qualities of his public speaking, yet, by reason of its effect upon those in opposition to him in the House and Senate, its aggregate effect was to lessen the influence of his speeches upon the votes of the body where he so pre-eminently shone.

In 1886 one of the questions of the Chautauqua school was, Who is the greatest living orator? Roscoe Conkling and Castelar received the largest number of votes, or answers.

The venerable Hannibal Hamlin, the only living ex-Vice-President, in a recent letter to the author, says : (see *fac-simile*.)

A well-known American who had listened to all of our leading orators, said: "I have heard \* \* \* (mentioning several of them), but somehow they seem 'light-waisted' compared with Mr. Conkling."

The crowded galleries of the Senate, when it was known that Roscoe Conkling would have the floor, bear testimony to his popularity as an orator.

In speaking of Mr. Conkling, the late Montgomery Blair stated to a relative of the author that during the last forty years he had personally known all of the prominent public men of the United States, including Calhoun, Clay, Corwin, Webster and Preston; but that he (Conkling) pos-

sessed more versatility of acquirement and talent than any one of them, and that he was the superior of each and all of them.

In looking over the short list of American *orators*—Patrick Henry, Alexander Hamilton, Fisher Ames, Aaron Burr, Henry Clay, William Wirt, George McDuffie, William Pinkney, Daniel Webster, Robert Y. Hayne, Sergeant S. Prentiss, J. MacPherson Berrien, William C. Preston, Rufus Choate, Stephen A. Douglas, Abraham Lincoln, John C. Calhoun, Thomas Corwin, Henry Winter Davis, Edward Everett, Wendell Phillips and Henry Ward Beecher, not to mention the living—it would seem, from what has been said, that Roscoe Conkling, as an orator, has had no superior in the New World.\*

Yet his fame, like that of other orators, must rest mainly on tradition. Much of the reputation of a speaker depends upon those glowing thoughts and phrases which are frequently struck out in the warmth of debate, and which even the orator himself is afterward unable to recall.

One of the secrets of Senator Conkling's success as an orator was his tenacious memory, to which we have already referred; but the following reminiscence by a townsman may further interest the reader:

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\* The author strives to give an unprejudiced opinion.



Mr. Conkling's power of memory was most marvelous. Whatever his mind received seemed to be imprinted upon it as upon an indelible and sensitive plate, which the lapse of time could neither efface nor dim. As occasion required, from this storehouse of memory, in its original distinctness, what he had treasured up was presented and available for effective use. To this rare faculty he was indebted, in extemporaneous speaking, for his power in marshaling facts and arguments upon whatever subject was engaging his attention. Never at a loss for the most suitable and impressive language with which to clothe his fast-flowing thoughts, he was able to take possession of his audience, and often to mold and sway it under the irresistible flow of his powerful utterances. During the early years of his political life, in the city of his home, whenever he appeared upon the platform the audience-room rang with applauding welcome, and every eye and ear was fixed with silent intent upon the young orator, whom all loved to hear and to honor.

His memory of faces was none the less extraordinary. A person whom he had seen but three times in thirty years, and whose name or business he never had known, casually meeting him again in 1886, Mr. Conkling recalled the several occasions where he had seen him, and the attending circumstances, at Utica, Washington and in a railroad car.

The writer calls to mind a notable instance of his power of memory. It was on the occasion of a Sunday afternoon visit, when the conversation turned upon Moses, the Jewish law-giver. Mr. Conkling, in his own eloquent manner, expressed his veneration for this inspired statesman of Israel, and great admiration of his character, wisdom and genius. Then, referring to a poem on "The Burial of Moses," he asked his visitor if he recalled it. Receiving a negative reply, throwing back his head and shutting his eyes, he began to recite it, slowly drawing it out of his memory until he had repeated the whole poem.

In answer to a question, he remarked that he had never seen it, but that it was read to him some year or two before, and from that he had imperfectly (as he said) repeated it. He recited, from memory also, pages of his favorite authors.

Often have we listened to his word-portraits of the prominent

characters of the day, with whose personal and political histories in detail he appeared to be perfectly familiar. But in all such conversations we do not remember that on any occasion he used language that was not kind, conciliatory and just.

Concerning the Senator's versatility for public discussion, Samuel Wilkeson once wrote:

In the debates of the House and Senate upon the great measures of legislation which accompanied the war, and which followed the peace in the reconstruction of the rebel States, and the complete restoration of the Union, he was a conscientious Representative, anxious to devise what was wisest and best for the public good. He never addressed either House for the sake of display. He never made a speech which had not a defined, useful public purpose, and to this he always brought earnest feeling and careful preparation. The printed records of the proceedings of Congress during his service show that the range of his work was as complete as it was immense. It comprehended the Supreme Court of the United States, Finance, the Conduct of the War, the Currency, the Pacific Railways, the Public Credit, Emancipation, National Banking, the Basis of Representation, Taxation, Tenure of Civil Office, Revenue, the Bankrupt Law, the Louisiana Question, Postal Telegraphy, the French Spoliations, Harbor Improvements, the Alabama Claims, the Judiciary, the Pension Laws, the 'Geneva Award, the Revision of the United States Laws, Territorial Judges, the Law of Legislatures, the Constitution and Presidential Elections—indeed, every important American interest which was the subject of federal care and legislation. His speeches on all of them were masterly and exhaustive. On the most important of them they were not equaled by the parliamentary efforts of any man of his day, and were rivaled, if equaled, only by the historic orations of Hayne, Webster and Clay.

It transpires, from the secret sessions of the Senate, in which debates are not reported, that the greatest speeches of his life have been made by Mr. Conkling in that body with closed doors, with no other audience than the Senators in their seats. His immense work as a parliamentary debater and advocate did not

cease with the close of the sessions of Congress. It was kept up during its vacations. He was the man in the State of New York on whom was put the labor of reanimating the courage and stiffening the endurance of its people in the darkest hours of the war. The meetings of the Loyal League clubs, popular assemblages in counties, and great public meetings in the principal cities to sustain the Government and preserve the integrity and supremacy of the party which was administering it, demanded his presence and his oratory. He always complied with this demand, cheerfully sacrificing his comfort, his professional interests and his health. The completeness of the sacrifice of his interests is measured by his proud and indignant retort in personal controversy in the Senate, in the Caldwell election debate: *I would no more take pay for making a political speech than I would take pay for attending a funeral, or for signing a petition for a pardon, or a recommendation for an appointment to office.*

Goethe has said: "Nothing is more significant of men's character than what they find laughable."

As illustrations of Roscoe Conkling's satires and repartees we give the following:

In his speech of April 16, 1860, Mr. Conkling called a Democratic National Convention a national *plaza de toros*. On the same occasion he referred to a Democratic member as being "A communicant of that Church of which Mr. Buchanan is the visible head."

In defending a man who had been indicted for forgery he spoke of "the double distilled crimes of perjury and forgery."

Referring to a snob, he once said, "Intoxicated by his consciousness of his own importance."

When Mr. Conkling was a young man he was

once interrupted during a speech at Utica by a fellow who bawled out: "Do you want me to marry a black wench?" He pretended not to hear the remark distinctly, and said, with great politeness of manner: "Will the gentleman who asked me a question have the kindness to come forward and repeat it?" The Republicans who were present cried out! "Turn him out! turn him out!" "Oh no, don't turn him out," said Mr. Conkling; "I'm sure the gentleman asked some question which deserves a reply; let him come forward." So they pushed the fellow forward to the middle of the hall, where he puffed out his chest and said defiantly: "Do you want me to marry a black woman?" Mr. Conkling looked the man all over carefully for about two minutes. It was so silent that one could have heard a pin drop. Then he said, with a drawl: "Do I want you to marry a black woman? No, I can't say that I do—I have too much compassion for the black woman."

During a county convention a well-known editor, who was somewhat opposed to Mr. Conkling's nomination, fearing he might be defeated, appointed himself a committee of one to visit the candidate at his hotel for the purpose of suggesting to him that he should decline the nomination. In reply, Mr. Conkling told his caller that his advice was anticipated, and valued for all

it was worth, and then plainly intimated to him that it was not needed. Thereupon the editor, taking his hat, stated that there was nothing left for him to do but to leave. To which Mr. Conkling replied, "That is a sensible conclusion," and bowed him out.

While addressing a mass meeting of workingmen during one of his Congressional campaigns, he said, in reply to a harsh criticism: "I attend this meeting *pursuant to call*. I am a workingman, and earn my bread by the sweat of my brow. It does not seem to me that it makes any difference whether this perspiration is on the outside or inside of my head."

He once said: "A thief breaks into your house, steals your watch, and goes to Sing Sing. The newspaper man breaks into the casket which contains your most precious treasure—your reputation—and goes unscathed before the law."

In February, 1870, Senator Conkling took an active part in the debate concerning the ninth census of the United States. On the ninth instant he provoked much merriment in comments upon the classification of the precious metals, wherein, among other things, he said:

Alas for the products of mines! But the melancholy end is not yet. A sadder reality still was left untold by the Senator; How will the patriotic hearts of the Senators from Nevada swell

with agonizing emotion when I point them to the place dedicated to the precious metals in the schedules of the House. "Hung be the heavens with black!" "Tell it not in Gath, publish it not in the streets of Askelon," that in the scheme advocated by the Senator from Massachusetts, the gold and silver of Nevada, the young bride of the Union, are consigned to a place side by side with "women's corsets," and "ready-made clothing." [Great laughter.] Oh that I could bind up the gashed bosoms of the Senators from Nevada! I can only console them in the words of Denmark's wayward prince, that these are "but the trappings and the suits of woe." [Laughter.]

In a speech during the campaign of 1870 Mr. Conkling remarked:

I believe it was the Queen of Sheba who could not appreciate the glory of Solomon until she went into a certain part of his temple. If any one wants to see the glory of Democracy, let him go to the city of New York, where, in a term of fifteen years, the taxes have been increased from three million dollars to twenty-three million dollars, amounting, at present, to a tax of twenty-five dollars annually for every being on the island.

During his speech of January 11, 1872, on the "One-Term Dogma," he said :

A Presidential canvass is upon us, and the dominant party is likely to support for re-election the present Chief Magistrate. Does this fact throw any light upon the portentous preamble and the solemn resolution before us ?

He must be blind indeed who does not see in this proposed amendment a device, a make-weight, an expedient to affect the re-election of President Grant.

Ostrich-like, it buries its head; but, ostrich like, it is big with exposure. It wears a veil of preamble and a fig-leaf of benevolent postponement. It tries to hide its real self under the words : "This amendment shall not take effect until after the fourth of March, 1873."



Our attention was especially called to these words. What are they for? Why are they there? They pretend to give us respite or reprieve.

In February, 1872, Roscoe Conkling took a prominent part in the debate regarding the sales of arms to French agents. The Senator from Missouri, among other things, said: "On the paths of duty which I have followed I have met men more dangerous than the Senator (Mr. Conkling), and if there were a thousand of them my heart would not quail;" to which Mr. Conkling replied as follows:

Mr. President: Personal courage, if it be true, does not blurt or swagger; personal courage is not froth; and men eminent for the intrepidity and boldness of their character do not strut or perch themselves upon an eminence and boast of it, especially where it is not challenged. I have no wish—far from it—to put my courage or my dangerous capacities in hopeless competition with those of the distinguished Senator. I thought that far, very far fetched, and cheap indeed, was the attempt to convince the galleries that the amendment was intended to intimidate the Senator or to shock or overcome his personal courage. Equally far-fetched was the attempt to insinuate that any want of personal courtesy attended the offer of this amendment. Equally preposterous was the assumption of the Senator that he stood too high to make it proper that investigation should ascend to him.

He also said, concerning Mr. Sumner's vain denials:

The honorable Senator (Sumner, of Massachusetts) says he kept his design locked up in the depths of his own consciousness. He revealed it to no one. Let me read his words:

"At any rate, I know that no human being had reason to suppose I was to move in it until I did."

Here, Mr. President, is a remarkable phenomenon. The substance of this portentous preamble and resolution (charging violation of neutrality by selling old ordnance) was published in Boston, Chicago and Cincinnati before it was presented here, with an announcement that it was to be presented on the next day. Can anything be found in clairvoyance or psychology to exceed this? Burke said the age of chivalry had passed away, but clearly the age of miracles is still upon us.

We know that the honorable Senator is very near the press; but there is nothing in the nearness of Damon and Pythias, nor of Romeo and Juliet which comes so closely to absolute oneness as this. I might borrow the language of a hymn, and say of the newspaper men and the Senator :

They know the words he means to speak  
Ere from his opening lips they break.

[Laughter.]

It is marvelous that such silence, such reticence, such reluctance, should not have kept this huge affair from being darkly hinted in political circles for months, and from being recorded in newspapers before it broke upon the ears of the Senate. It is possible that, as men engaged in daring and perilous ventures sometimes cast lots as to which shall do the deed, so there was, down to a recent period, some doubt as to who should bear the match that was to fire the fuse that was to explode the bomb that was to destroy a dreaded Presidential candidate (Grant) and disable all who sustain him. The cast of characters may not have been agreed on nor the heavy part given to the Senator till late.

The following is an extract from his remarks on the "Inflation" bill, February 19, 1874:

Before taking my seat, however, I deem it due to frankness not to neglect to add my voice of warning and protest against all schemes for wholesale issues of irredeemable paper money. Conscious of the many things taught by the science of finance which I do not know, there is one thing which I think I do know, having learned it from the saddened and blackened annals of many epochs. Reason and experience convince me that we shall launch

Government and people on a sea without shore or bottom when we legislate the nation out upon a sea of unlimited irredeemable paper money.

A note not to be paid or redeemed is a promise made to be broken. A promise made to be broken is a lie. And a lie will upset anything from an apple-cart to an empire.

Paper money not to be paid or redeemed is a falsehood and a fraud. It can never be true, and therefore it can never be right or safe. \* \* \*

When Senator Conkling was defending General Sheridan, January 28, 1875, for his official conduct in Louisiana, the following dialogue between him and Senator Thurman occurred:

*Mr. Thurman* : Does the Senator want an answer to 'his question to me? I have about half a dozen noted. I think I shall have to take another time.

*Mr. Conkling* : My honorable friend from Ohio had one whole day. I might ask him, "Insatiate archer, would not one suffice?"

*Mr. Thurman* : I only wish to know, when the Senator turns around and addresses me, as he has done half a dozen times since I have been in, whether he expects me to respond at once?

*Mr. Conkling* : Mr. President, when I speak of the law, I turn to the Senator as a Mussulman turns toward Mecca. [Laughter.] I beg the honorable Senator to understand that I look to him only as I would look to the common law of England, the world's most copious volume of jurisprudence. [Laughter.]

This example of a bright repartee has run the rounds of the press.

In an out-door speech at Rochester, the following incident took place:

The meeting was held in the afternoon and was of tremendous size. The rural districts were well

represented. Mr. Conkling had been speaking but a few minutes when he was, apparently, struck with the idea of getting a text out of the audience. There was, he said, a great outcry for "a change." Many people were saying that the Republican party had been in power too long, and it was time for "a change." Now he would be much obliged if some one within hearing would tell him *why* there should be a change—why a change was wanted. "Frankly," he said, "I want to know about this, and I should like to talk about it. Why do we want a change?" An individual near by spoke up and said, "We want a change, for one thing, to close up the chasm between capital and labor." He was a knowing-looking little man from the country, probably the political oracle of his village, and a smart little woman was hanging on his arm. "I thank you, my friend," said Mr. Conkling, "but did you say a change is needed to close up the chasm between capital and labor?" "Yes," burst out the little woman, "he did say so, and it will trouble you to answer him, too!" She doubtless thought that her little man could confute the Senator if he had only half a chance. Senator Conkling again bowed his thanks, and then went on to speak about the proposed "change." He showed that there was no chasm between capital and labor, that their interests were common, and that the most

dangerous of the country's enemies were the men who were striving to convince the outside world that there was an issue between the two great forces of our growth and prosperity. With rasping irony and biting sarcasm he dilated upon the theme. He had been searching everywhere to find a man who could give a reason for the "change" demanded. At length he had discovered one. In that prosperous city of Rochester a man was found willing to stand up and say we must have a change—to close up the chasm between capital and labor—a chasm which had no existence save in the mind's eye of this great philosopher, whom he was anxious to secure as his guide, and his friend also. Then, having covered the countryman all over with ridicule, amid the laughter of his vast audience he leaned over the platform and, stretching out his long arm toward the victim, he said, with mock cordiality: "My friend, let us shake hands across this bloody sar-casm!"

As to the vote in South Carolina, November 26, 1877, he remarked:

Philosophy! I should not dare to enter that domain with the Senator, and if even in geography he should take me to task, I should find myself in the condition of the girl rejected on a competitive examination as a copyist, because she could not tell the three principal rivers that empty into the Caspian Sea, and could not define and locate the isothermal line.

\* \* \* \* \*

Concerning a railroad committee bill, April 4, 1878, Mr. Conkling said:

*Mr. President:* Analogies are always dangerous. Illustrations have no value at all unless they are true. A caricature may sometimes bring out a likeness, but a caricature always distorts and destroys a legal argument proceeding by parallels.

During a speech in the State campaign of 1879 Mr. Conkling was interrupted by a laboring man. He had saved a little money, and was very much interested in the subject of resumption, which then occupied public attention. When he rose to ask a question, the poor fellow was frightened by his own voice and became greatly confused. The cry of "Put him out!" at once arose, to which Mr. Conkling replied, "Oh no! don't put him out; let him remain, and either we will let in a little light, or he will let out a great deal of darkness."

When speaking of influencing others Mr. Conkling once said: "Whoever fails to take account of the spaniel-like element of human nature will make a great many mistakes." Referring to the common habit of politicians of making pledges, he remarked: "There is great wisdom in making no promises."

Regarding the bill to take the tenth census, on February 6, 1879, he remarked:

Unbridled discretion is not wholesome in government. \* \* \*  
It is too broad a power, and it should not be slack-wound or loose-twisted, but it should be stated with particularity.



Concerning the Chinese Treaty, February 14, 1879, he remarked:

We are not dealing with England, we are not dealing with a nationality whose "march is o'er the mountain wave," nor whose "home is on the deep;" we are not dealing with one whose ships and parks of artillery and disciplined soldiers and means to conquer command the respect, and also another feeling, of all the nations of the earth.

\* \* \* \* \*

I am not going to enter into an ethical dissertation on the question of the right a power has to rend its treaty stipulations. I have heard it affirmed that if the nature of a stipulation was executory merely, it was at the convenience and the option of every power to betray it or observe it. I do not believe that.

I do not believe that might makes right. I do not believe that an individual or a nation, having entered into a solemn compact, has a right, by mere convenience and self-interests, to graduate its duty to observe it. It was a splendid burst of eloquence in a dramatic poem when a hero was made to say:

"Before I'd break the word I have the power to keep,  
I'd lose the life I have the power to save."

That was not the doctrine of a man who believed that convenience and self-interest, the mere sordid promptings of a preference, is the best rule of human or natural action.

\* \* \* \* \*

I once heard of a distinguished democrat in Illinois (Mr. Lincoln used to tell me of it) who believed, and Mr. Lincoln said he did himself, that he had often succeeded by the sheer brass, if it was brass, and the sheer stupidity, if it was stupidity, of reiterating a thing which had nothing in the world to do with the question, ignoring persistently the answer which had been made to it, but convincing a crowd he was right all the time.

On March 1, 1879, during the debate upon a pension bill, the following encounter between Senators Thurman and Conkling took place.

*Mr. Thurman* : I do not wish to detain the Senate when it is nearly daylight, as it is now, but I wish to make a remark, to which I invite the attention of the Senator from New York.

The Senator opposes the amendment under consideration because it embraces too much. That is one ground—because it embraces too much; because, as he says, it is all-embracing. His objections to it, then, are twofold—first, that it is too comprehensive in its provisions, and second, that it is ambiguous. That implies that if its ambiguity were removed and if its comprehensiveness were reduced, the Senator might be disposed to vote for it, because, if under no circumstances the Senator would vote for pensions to the soldiers of the Mexican War, if in no form or shape he would vote for a proposition of that kind, then it is a matter of no importance to him whether this is comprehensive or not, or whether it is ambiguous or not. Being opposed to the proposition *in toto*, he need not trouble himself with the particulars. Therefore, when he criticises it upon the ground that it is ambiguous or that it is too comprehensive, his remarks imply that if it were made clear and were reduced to proper proportions it would get his support. Now, Mr. President, this is the thing that I wish the Senator to consider: there is no man in the Senate so great a master of language as the Senator from New York. We all confess that. There is no man more capable of making this amendment perfectly clear. There is no man more capable by apt language to eliminate from it all its excesses. Why, if the Senator is in favor of pensioning anybody who was in that war, does he not apply his acknowledged talent to reducing the amendment to proper proportions, and making it as perspicuous and clear as possible?

Senator Conkling then made a humorous speech, in which he pleasantly ridiculed Mr. Thurman as a Presidential candidate. It is here given in full :

“Praise undeserved is satire in disguise;” but I beg to assure the honorable Senator from Ohio that I take no offence at the fun he makes of me. I am ready to say that when the time shall come that he who is a master of language, he who is a master of the

science and the diction of law, and competent to do that which in satire and derision he proposes to me; when the time shall come that he prepares an amendment free from the objections found to this, I shall be certain to vote for it, provided two or three other things concur. I shall want it offered at some time when Senators have slept either the night before or on some recent night, and are, by consequence, clear-headed. I shall want it offered at a time when the Constitution does not say that the hammer must fall a few hours afterward, and at a time when we may enjoy—as the Senate so often does enjoy—the sonorous and elaborate non-partisan dissertations wherewithal the honorable Senator from Ohio embellishes, illuminates and expands to transparency all his great conceptions. Then, too, I shall want also an opportunity to take a passing glance at the balance sheet of the nation. It will not be necessary in my case, as it is said anxious and nervous political aspirants sometimes find it necessary before voting upon a question, to go out and not only consult the signs in the zodiac, but see how all the tin roosters on all the barns stand, so as to know exactly which way the wind blows. [Laughter.] I will not ask time to do that, because I have no continental prospects to be imperiled by any mistake I may make in voting here. I shall, however, want an opportunity to look at the balance sheet. I shall want to see whether, at that particular time, there is, or is likely to be, any money in the treasury with which to do such a magnificent thing as, in exact, appropriate and imposing language, the honorable Senator from Ohio will be sure to propose.

Mr. President, if all these somewhat varied and, as a lawyer from the Senator's State once said, "multifarious" circumstances [laughter] shall concur, and if there shall be a harmonious union of all things, showing that the nick of time, the longed for and worked for moment, has come for the honorable Senator from Ohio to make his popularity absolutely universal, by adding to the endless, idolizing train which follows him the serried ranks of the soldiers of the Mexican War, the honorable Senator may be sure that I will vote to add all that resplendent length of tail to his political kite. [Laughter.]

I submit to the honorable Senator that nothing could be fairer than this. I do not believe that the Senator now is at his best for

so great and critical an endeavor. The Senator has, on Sunday and Sunday night, delivered so many eloquent and fervid speeches, he has so taxed his brain and his imagination—particularly his imagination—and many of his higher faculties, that I do not believe it within the limits of mortal possibility that he can still have reserve force enough to expend himself, I might more appropriately say spread himself [laughter], as undoubtedly he would be glad to do when he takes up the question of the Mexican War, looks over the whole field, calculates all the chances, and arranges it so that all the lights and shadows will strike, as they should strike, in reference to 1880 and other great and interesting epochs. [Laughter.]

The Senator from Ohio is in a jesting mood to-night. I am in earnest, in grim earnest. I am for the men who carried the Star Spangled Banner and planted it on the tower of the city of the Aztecs. They are the men for whom the honorable Senator from Ohio should legislate. But with his anxieties he may need to go further. I beg him to remember those who fought on the other side. A good many of them have come across the border to live or to steal cattle. They may be a factor in elections and results, and I beg him not be thoughtless of them. He should go very sure-footed, and not march without scouts. In every view it is an important matter, and I warn the honorable Senator not to run any risk of turning his back upon a brilliant future by doing anything without the utmost forecast. The soldiers' ballot in this country is very large; it has great force in many States; it is numerous, indeed, in all the States, and there are political advantages and hazards which ought, I think, to relieve this subject from the levity with which the honorable Senator from Ohio seems inclined to treat it.

Let me say, further, to that honorable Senator that when he is as old as I am, when he has had as much experience as I have had in those grand and placid assemblages, each a *plaza de toros*, called Democratic National Conventions, he will be satisfied, as I am, that not in the morning at five o'clock, when he is tired, when he is under the reaction of his many speeches, which have produced much exhaustion, as all of us can testify, but at some other time, when he has himself thoroughly in hand, when he is

able to survey the whole table, and study its angles and its pockets to see exactly how to carom not only on the red ball, but on the black and on the Chinese [laughter], then, and not till then, he should take his cue and prance proudly to the fore as the champion political billiard player of all the hemisphere and all the ages. [Laughter.] That is his mission and destiny; and if he is true to it his name will be a light, a landmark, on the cliffs of fame—the name of one prominent, not only as a statesman but as a politician; but a candidate able to manage as many horses running as fast and in as many different directions as one man ever attempted to drive or to ride. I assure the honorable Senator from Ohio that he entirely mismeasures his opportunity, he cruelly belittles his own powers and possibilities, if he fails to appreciate that the furthestmost disk to be seen in the political firmament may be in some measure influenced or deflected in its bearing on Ohio by what may be done in the ultimate disposition of questions concerning the veterans who fought in the Mexican War.

During the three terms of the Forty-sixth Congress a select committee held sessions to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of the President and Vice-President of the United States.

After the following remark by William Pinkney Whyte, of Maryland, February 3, 1881, Mr. Conkling said:

*Mr. Whyte* : I am the only remaining Democratic Senator of that day in this Congress.

*Mr. Conkling* : As the last leaf upon the tree, not as the last rose of summer, but as the rose of last summer, I wish to offer to the honored Senator from Maryland, and I trust he will receive, my profound condolence. As was said of Napoleon, that honorable Senator is wrapped in the solitude of his own origi-



nality. He is the last of the Mohegans, the last of the Barons, the last of those long and historic lists of statesmen who once belonged to the late Democratic party, and I uncover in the presence of the sole representative of the pale memory of such a thing.

Concerning the insincerity of a viper-like editor who had just paid him a friendly visit, he remarked: "He is inferior to the rattlesnake, for the latter gives warning of his approach."

At a meeting called to favor the nomination of General Grant for a third term, Senator Conkling said: "Those who are now engaged in throwing stones at General Grant will, perhaps, some day be gathering them together to build a cairn;" and his prediction was fulfilled in his adopted city.

In the Chicago Convention of 1880 some hostile hearers called out "Louder!" whereupon he replied, "I'll speak much louder when I have anything interesting to say." During the ensuing campaign the Senator once came upon the stage to address a large audience, where he found before him a low railing covered with flags. Turning to one of the managers of the meeting he said: "Can't that railing be removed?" The answer was that it was very substantial and could not be taken down without trouble, to which Mr. Conkling replied: "Why don't you build a pen around a man so that he can just see the top of it? If there is anything annoying to me, it is to be fenced in."



In his legal arguments and Congresssional debates some of his retorts, uttered in the heat of discussion, seem too personal to put into print. We publish on a previous page leading examples of his love of ridicule, of which one of the most brilliant is taken from the Senate Journal for March 3, 1879. The *Congressional Globe and Record* from 1871 to 1881 abound with bright and interesting remarks of Roscoe Conkling.

Senator David Davis, of Illinois, who was termed an "Independent," was a political curiosity, and of course, belonged to neither party. He now sat on the Republican, now on the Democratic side. One day Mr. Conkling said to a colleague, "Let us have some fun with Judge Davis." He then remarked in the presence of both: "Judge, I notice that you go across the fence very often. *Do you get mileage for this?*" Senator Davis replied, "Hang you! hang you!"

Senator Conkling was once told that one of his enemies was about to be appointed to a foreign mission. He answered, "I am glad of it; the foreigner, the better."

In the great railway foreclosure suit of *Marie vs. Garrison*, he spoke of the mortgage as "a compound, comminuted, fricasseed fraud." We here give two extracts from Mr. Conkling's argument in the same litigation:

The defendant, after the sale, took possession of the land under his deed, and retained it, and paid the taxes, and received the rents, and this suit was not commenced until nearly nine years after the sale, when the land had greatly increased in value.

That reminds me of the Indian woman whom Gillette found leaning against a tree when he went out as agent of the Ogden Land Company to make a treaty with the Seneca Indians. She was making more noise than the law allowed, crying in the wilderness and sparing not; and he went to her, and to soothe her, said: "My good woman, don't. We are not going to take your land; we are not going to turn you off." "Oh," she said, "that is not it;" and finally, pulling herself together, she sobbed: "My old Indian has been dead fourteen years, and I can't hold in no longer."

\* \* \* \* \*

Referring to another subject, he said:

Look at the liquor laws. Look at the opinion of the learned counsel in the Maine Law case; which I take occasion to say, in his presence, in my judgment has never been answered. Is wine *malum in se*, or even contraband, regardless of the statute? It was a confrère in political action of the learned counsel who said that wine was always commended in the Scriptures; that he never heard of but one man there mentioned who asked for water, and that he was in hell, where he ought to have been. Consider the impossibility of these two learned gentlemen, charioteers as they both are of the Democratic party, as well as of the Bar, insisting that wine (or perhaps I had better put it whisky) is *malum in se*!

Toward the close of the Senator's public life one of the Southern brigadiers said to a member of Congress from New York. "Mr. H——, we people from the South don't care much about what the Northerners say of us, excepting Roscoe Conkling. When he rises to attack us, his scornful eye

and cutting sarcasm are too much. We cannot stand it."

Once in the presence of Mr. Conkling some one was criticising the conduct of a very devoted friend, evidently expecting that the Senator would also join him in condemning it. Instead of doing so, he, in order to express in the strongest manner his veneration and love, thus replied: "If Mr. L—— came here with a rawhide in his hand, and bade me take off my coat, for he intended to lash my back, I suppose I would do it."

In 1887 an old political friend of Mr. Conkling asked the author to obtain the influence of the ex-Senator concerning an appointment which the new mayor of New York would soon make. The plan was to induce the editor of a prominent newspaper to recommend to the mayor the applicant in question. His reply was: "No—an editor cannot afford to become a suppliant for public office. If he does, he loses his spirit of independence."

The author then remarked that his friend did not wish to come to him in person lest he should give annoyance. Thereupon Mr. Conkling retorted, "What! I am not such a hedge-hog as to refuse to see a decent man."

He once protested that he was never tired in his life. "If I ever get mad at anybody," he said, playfully, "it will be for telling me that I am tired."

The generation of hearers of the Oneida orator is slowly, but with increasing acceleration, passing away. The next generation will have nothing but cold type and the evidence of those who were once listeners wherewith to pass upon the merits of the distinguished orator who never strove for posthumous fame.

1872.

## CHAPTER XXII.

THE ADMINISTRATION VINDICATED—DEBATES IN THE  
SENATE—HIS GREATEST CAMPAIGN SPEECH.

THE current session was a busy one for Mr. Conkling, for he was prominent in the consideration of all important measures, but especially in the discussions concerning the Chicago fire, the resignation of federal judges, the duties on tea and coffee, Senatorial recommendations to office, soldiers' homesteads, the Texas-Pacific Railroad, the naval appropriation bill and the Ku-Klux act.

During this trying period for the Republican party (the winter of the years 1871-1872), when it was bitterly attacked from within the lines, it was Senator Conkling who did the important work of upholding its standard. He parried the adroit thrusts of Sumner, Trumbull, Schurz and others, and gave each blow for blow. He did more than any other man to save the Republicans from defeat and disintegration during the "Liberal" Republican movement of 1872. The Republican party

was assailed by sworn foes without and professed friends within ; and the stinging blows which Mr. Conkling then inflicted upon leading marplots excited, in different parts of the Union, the enmity of certain prominent persons claiming to be Republicans. This animosity continued unrelentingly till the day of his death.

Senator Conkling was active in the debate in relation to the long preamble submitted by Mr. Sumner, February 12, charging the authorities of the United States with violating its neutrality toward Prussia by selling arms to France in the late Franco-German War. The preamble also charged American officials with corruption.

A resolution followed raising a special committee to inquire into all the charges, and also into other matters not touching the Government or officials, but relating to the mercantile affairs of American citizens.

No objection was made to an immediate vote on the motion, but Mr. Sumner asked delay.

Mr. Conkling proposed, on February 16, 1872, an amendment to the resolution submitted by Mr. Sumner to inquire in relation to the sale of ordnance stores made by the Government of the United States during the war between France and Germany; *viz.*, after the word "parties," in line 6 of the resolution, insert—



And that said committee also inquire and report whether any member of the Senate or any other American citizen is, or has been, in communication or collusion with the Government or authorities of France, or with any emissary or spy thereof, in reference to the said matters.

Mr. Conkling obtained the floor February 19 and spoke at great length. His remarks, if printed, would cover forty pages of this volume. For this speech he chose as a motto, "Let all the ends thou aim'st at be thy country's."

Thus he began:

Nearly five months of this session have gone—March, April, December, January have gone, and nearly the whole of February. Legislation waits, and debate goes on, only for political effect. The appropriation bills are put aside. They ought to be acted on now, while they may be deliberately sifted and freed from errors which will escape us in the haste of belated consideration. The revision of the tariff which ought to be made has not yet been made. No action has been taken upon the bill which ought to strike forty millions of internal taxes from the shoulders of enterprise and labor, which ought to disband the remnant of the army of internal revenue collectors, and reduce the internal revenue establishment to a skeleton. These bills and others wait. Needless political discussion blocks the way.

If right were the opposite of wrong, this could not be right; but rights are of many kinds, and some rights are the twins of wrong. The Constitution says a Senator shall not be questioned in any other place for that he utters here; and thus a Senator may, by preamble and by speech, slander his countrymen, slander his Government, slander his country, and place it in a false position before the nations of the earth. All this may be done to the hurt of the public business, to the peril of the nation's interests at home and abroad; and there may be no aim or reason in it except to affect a Presidential election, and to gratify passion

and wreak vengeance on individuals. It may be done boldly in plain words, or it may be done by vague and cunning hints; it may be best done by insinuation, the most deadly weapon in slander's virulent vocabulary. However it be done, if it be done and time be wasted in debate, the waste must be charged to those who bring on debate and insist upon it.

Near the close of his speech he had some sharp passages with the opponents of the Administration.

About a month was consumed in the debate upon the sales of arms to France. Senator Conkling's amendment, which was introduced February 16, was reported six days later, and after a sharp debate with Messrs. Sumner and Schurz, it was agreed to with but one negative vote. The amendment reflected upon Senator Sumner and his associates. The resolution submitted by Mr. Sumner on the twelfth instant was, in the amended form, adopted February 29, and the preamble was laid upon the table by a vote of forty yeas to one nay. Thus ended the famous debate concerning the sale of arms to French agents, and which made Mr. Conkling more conspicuous than he had been theretofore. It was begun in political resentment. President Grant had been, so to speak, wounded in the house of his former professed friends. Several days later Mr. Conkling said to the author, "The question now before the Senate is, whether General Grant is going to be the next President."

Concerning the re-election of General Grant, the following letter was read at a mass meeting in the Cooper Institute, New York.

SENATE CHAMBER, }  
WASHINGTON, April 14, 1872. }

*Gentlemen*—I rejoice that on Wednesday next the merchants and bankers of New York will speak for President Grant. In hours of supreme peril, now past, the nation received its best and wisest impulses from these same merchants and bankers. Their voice is timely now again to hold the country steady in the course of safe, honest and prosperous administration, and to check the restless spirit which seeks change at the cost of the general good. A people would be ungrateful and stolid indeed who could find no cause of thankfulness to God and to man in the marvelous prosperity which so quickly followed a desolating and agonizing war. A man must be sadly constituted who, looking abroad upon forty million people blest as we have been for the last three years, can find nothing better to inspire him than resentment, ambition and disappointment; nothing to dwell upon but the flaws and faults from which humanity never will be free. A public sentiment would be strangely depraved and ungenerous which could patiently tolerate the unjust accusations and wanton aspersions now heaped upon a firm and modest chief magistrate, who in peace or in war never shrank from his duty, and whose civil administration, should it end to-morrow, must ever stand among the best and purest in our history. Never was there a time more fitting than this for business men to express their judgment in national affairs. If the name and character of the administration of Ulysses S. Grant have been of value to the nation, no one knows it so well as the men who represent the property, the credits, the public securities and the enterprise of the country North and South. If the President has been a tower of strength at home and abroad; if his silent firmness has inspired confidences and security; if the turbulence in the South has quailed; if schemes of repudiation and expansion have hidden their heads; if restored currency and reduced debt and taxation have come; if foreign

nations have composed difference with us and so borne themselves as to accord our country the weight and dignity it deserves; in short, if our Government has for three years been a good watchdog, guarding rights, liberties and interests everywhere, the business men of the city of New York know it. They ought to say it, and when they speak the nation will hear. My testimony will not be needed in such a cloud of witnesses, yet, grateful for your invitation, I would gladly accept it did not other duties stand in the way. I hope soon to address the citizens of New York, but you will pardon me if I say a further word here. Entering Congress in 1859, I have tried to study closely four administrations, and to learn their inner workings; and my conviction is, that in rigid honesty, in duties earnestly, wisely and successfully done, the last three years are the best of the last thirteen. Writing, as I do, on the anniversary of Lincoln's great proclamation which struck the fetters from four million slaves, and revering Lincoln's memory, I believe Lincoln's devotion to duty never rose higher than Grant's. Of all the men I have seen in high station there is not one with less pride of opinion or of place; not one more ready to revise his own judgment and weigh the suggestions of others; not one more anxious to do all things well—than he whose re-election you will aid to secure. No administration, or party, or majority in Congress has ever so remorselessly investigated, purged and punished its own offences; none was ever so courageous in meeting accusations, however gratuitous or unpatriotic. When the many committees now searching for abuses shall report all their discoveries, the country will be struck by the contrast between the truth and the allegations; and not less between the contrast of the record of the present administration and most of its predecessors. Wednesday's meeting will forecast the victory in the coming canvass. Under what name or disguises the opposition may present itself, it will in nature and result be the Democratic party. The election of the ticket to be nominated at Philadelphia is an event which I no more doubt than I doubt the wisdom and virtue of the American people.

Your obedient servant,

ROSCOE CONKLING.

To Messrs. MORGAN, CLEWS and OPDYKE, *Committee*, &c.

The first national nominating convention of the year, that of the " Liberal " Republican party, met at Cincinnati a fortnight after the publication of the above letter (May 1).

Horace Greeley was named as the candidate for President, and B. Gratz Brown, of Missouri, received the second place on the ticket. The regular Republican Convention assembled at Philadelphia four days later. On the first ballot, as on the occasion of his former nomination, General Grant was given a unanimous vote; and on the second, Henry Wilson, of Massachusetts, was chosen for the Vice-Presidency. On the ninth day of July the Democratic Convention was held at Baltimore and the candidates of the Liberal Republicans were adopted.

The next subject of importance, which we should mention in this chapter, is Senator Conkling's record on the bill to extend the provisions of the fourth section of the act approved April 20, 1871, known as the Ku-Klux act. The proposition was that the provisions of the above-named section should "continue in force until the end of the next regular session of Congress." In the Committee of the Whole, Mr. Conkling voted against the amendment of Mr. Vickers, of Maryland, to insert at the end of the bill to the effect that before the President shall suspend the writ of *habeas*

*corpus* in any State, he shall be satisfied by the affidavits of at least ten respectable residents of the county or district where the disorders are alleged to exist, that insurrection, violence or unlawful combinations to obstruct the execution of the laws of such State or of the United States exist to deprive a portion of the people of some of the rights, etc., named in the Constitution and secured by law; and that such combinations are so powerful as to be able by violence to overthrow the authorities of such State, or of the United States, or that the constituted authorities connive at the unlawful purposes of such armed and powerful combinations.\*

The bill having been reported without amendment, it was passed by a vote of twenty-eight to fifteen, Senator Conkling voting in the affirmative.

The debate on this measure was prolonged to an early hour on the morning of May 21; and Senators Thurman and Conkling then exchanged some sharp words.

At the same time (May 21, 1872) Senator Conkling favored the supplementary civil rights bill. He voted against the two amendments of Senator Thurman, which in substance were (first) to strike out the clause permitting colored persons to enter "any place of public amusement or entertainment,"

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\* The language of the amendment is substantially given,



and (second) to make the minimum fine five dollars instead of \$500 dollars for each offence.

When the tax and tariff bill (under which a commission of three would be appointed by the President) was pending before the Senate, Mr. Conkling moved to amend the first section by striking out all thereof after the word "persons," and inserting—

To consider and examine the various plans and methods of raising revenue, to report the best tax and tariff system they can devise, having regard to the interests of labor in its relations to capital and otherwise, and having regard also to the interests of commerce and of all classes of the American people; and said persons shall hold office for one year from the date of their appointment.

Several days before the close of the session, Mr. Conkling strenuously and successfully opposed the measure commonly known as the "steamboat law." It was a bill for the benefit of owners and stockholders of steam vessels and not for that of passengers. His action elicited severe criticisms from journals in the steamboat interest. The Secretary of the Treasury, in a communication to the Senate Committee on Commerce, of which Mr. Conkling was a member, set forth many objectionable provisions of the bill, for it failed to secure adequate protection and safety to travelers. Mr. Conkling arrayed himself against the lobby, and whenever a Senator takes this ground, he is

generally on the right side of a public question. The bill was finally passed after the conference committee had rejected thirty-five and modified eleven amendments.

During the year 1872 Mr. Conkling, who had been without a legal associate since 1862, formed a partnership for the practice of law with Scott Lord (afterward a representative in Congress for the Oneida district) and Alfred C. Coxe, now (1889) the United States District Judge for the Northern District of New York. The firm name was Conkling, Lord & Coxe, and it existed till 1876. After the dissolution, Mr. Coxe was occasionally associated with the Senator in cases before the Supreme Court of the United States.

The following correspondence between Senator Conkling and General Grant explains itself :

LONG BRANCH, N. J., July 9, 1872.

*Dear Senator:* Two weeks from Monday next, the twenty-eighth of July I think that will be, I propose to start for Thousand Islands, in the St. Lawrence. Can you not, with Mrs. Conkling and daughter, come one week before, and spend the time until we start, with us, and all return together? I will have for the party a special car, by the Erie road and a new route branching off from it to Syracuse. From there we will work our way east as far as Utica over the Central as best we can.

The Baltimore Convention is now in incubation. Before she hatches, and we see what the offspring looks like, or rather, how it is received by its parents, it is hard to judge how much fondling it will receive. Whether it will be caressed as much after hatching as during incubation, I doubt much. But I won't write poli-

tics. I only want to know if you and Mrs. Conkling can come and spend a week with us at the time specified. If you have engagements then, say so, and at what time you can come, or come then and attend to your engagements, and leave Mrs. C. to Mrs. Grant's care. I know during the warm weather she will find no more pleasant place than at Long Branch.

Mrs. Grant joins me in kindest regards to Mrs. Conkling, daughter and yourself.

Yours truly,

U. S. GRANT.

LONG BRANCH, July 15, 1872.

*My Dear Senator:* I regret that we shall not have the pleasure of your and Mrs. Conkling's company next week, but suppose we must wait till a later day. We will go, however, at the time indicated in my former letter. Our route will be by Syracuse, and our arrival in Utica will probably be Tuesday evening. My son, who has been with General Sherman for the last six months, will be with us.

*My judgment is that it will be better that I should not attend any convention or political meeting during the campaign.* It has been done, so far as I remember, by but two Presidential candidates heretofore, and both of them were public speakers, and both were beaten. I am no speaker, and don't want to be beaten. From Utica our route will be by Watertown and Cape Vincent, thence down the St. Lawrence as early as the trains leave on Friday morning. If you have any engagements, or if Mrs. C. has, which make it inconvenient to have us visit you at the time indicated, pray do not hesitate to say so. Mrs. Grant joins me in kindest regards to Mrs. Conkling, Miss Bessie, and yourself.

Yours truly,

U. S. GRANT.

Senator Conkling now prepared himself to enter the Presidential canvass. Since the year 1852 he had rarely made personal attacks in his speeches, but, owing to the bitterness of certain apostate Republicans toward Grant, he felt himself com-

pelled to assail the character and record of Mr. Greeley and his followers. It will be remembered that Horace Greeley had, for several years, identified himself with a faction in the Republican party. Mr. Conkling did not, as a rule, believe in hero worship during a political campaign. He loved his State and his party more than noted names the bearers of which belied their good reputations. In this connection he said, several years later, "It is *not* a question of candidates." His indignation at the spirit exhibited toward General Grant led him to begin the campaign at an early day, and he delivered at the city of New York, July 23, 1872, the longest and greatest campaign address of his life. It would cover sixty "brevier" pages of this volume. An edition in pamphlet form was printed, and the Republican State Committee issued, as a campaign document, an abridged tract of twenty pages, comprising about 19,000 words of the speech, in which many matters pertaining to the politics of New York were omitted. The rest of the chapter is chiefly devoted to this speech.

*"No might nor greatness in mortality  
Can censure 'scape; back-wounding calumny  
The whitest virtue strikes; what king so strong  
Can tie the gall up in the slanderous tongue?"*

—MEASURE FOR MEASURE.

For twenty years it has been my privilege to address my neighbors upon political issues, and too much ardor has, perhaps,

been among my faults. Yet no canvass has ever stirred me so deeply as this. No election has ever appealed so strongly to my sense of fair play, no canvass within my memory has ever been so full of foul play, injustice and malice, none has ever more thoroughly tested the common sense and generosity of the American people.

#### INJUSTICE HEAPED ON THE PRESIDENT.

Eleven years' service in Congress has made me a close observer of four Presidents and of many public men; and if among them all there is one, living or dead, who never knowingly failed in his duty, that one is Ulysses S. Grant. If there has been a high official ever ready to admit and correct an error—if there has been one who did wisely, firmly and well the things given him in charge, that one is the soldier in war and the quiet patriot in peace, who has been named again by every township in forty-six States and Territories for the great trust he now holds. Yet this man, honest, brave and modest, and proved by his transcendent deeds to be endowed with genius, common sense and moral qualities adequate to the greatest affairs; this man who saved his country, who snatched our nationality, and our cause from despair, and bore them on his shield through the flame of battle, in which, but for him, they would have perished; this man, under whose administration our country has flourished as no one dared predict; this man, to whom a nation's gratitude and benediction are due, is made the mark for ribald gibes and odious, groundless slanders. Why is all this? Simply because he stands in the way of the greed and ambition of politicians and schemers.

Many honest men join in the cry, or hear it without indignation. They are deceived by the cloud of calumny which darkens the sky; but the inventors are men distempered with griefs, or else the sordid and the vile, who follow politics as the shark follows the ship. A war of mud and missiles has been waged for months. The President, his family and all nearly associated with him, have been bespattered, and truth and decency have been driven far away. Every thief and cormorant and drone who has been put out—every baffled mouser for place and plunder—every man with a grievance or a grudge—all who have something to make by a change, seem to wag an unbridled tongue or to drive a foul pen.

The American people may misjudge a political question, they may be deceived, but, with the truth before them, they will never be unjust, and never untrue upon a question of right and wrong. Ingratitude has been charged upon republics, and just there is the point where the angry enemies of the President have blundered.

\* \* \* \* \*

#### WHY SHOULD DEMOCRATS VOTE FOR GREELEY ?

Upon what ground will patriotic Democrats prefer Greeley to Grant? They must prefer Greeley because they disapprove Grant personally, or else because they disapprove some political doctrine he represents.

Are Democrats for repudiating the debt? Are they for agitating or annulling the thirteenth, fourteenth and fifteenth amendments of the Constitution? Would they re-establish slavery? Would they pay the rebel war debt, or pensions to rebel soldiers, or rebel war claims? Would they inflate the currency again and flood the country with paper money? Are Democrats against reducing taxes and expenses? Are Democrats opposed to peace with all nations and stable Government at home? These questions are not asked to impugn the position of any man, but for the opposite reason.

General Grant being tried and true in all these things, why should any Union man, or conservative man, or business man, or patriot, vote against him, even if his competitor was a safe and fit man for President? Plainly there can be no reason, unless Grant is unworthy of confidence or respect, and deserves to be found guilty of the crimes and vices alleged against him. To judge this question, we must examine his history and lay bare his life. "The tree is known by its fruit," the carpenter by his chips, the man by his deeds.

\* \* \* \* \*

From the breaking out of the Rebellion, his career is a "thrice-told tale"—the world knows it by heart. When the flag sank at Sumter he did not wait to be called. Without commission, command, uniform or shoulder-straps, he started for the field, and grasping the Stars and Stripes, he carried them through a blaze of victories such as no mortal before him had won.



While Senators who now hawk at him were lolling for a fourth term on cushions, and eviscerating encyclopædias, books of quotations and classical dictionaries, the tanner of Galena swept rebellion from the valley of the Mississippi, and the Father of Waters went unvexed to the sea.

Lincoln and Stanton, who reposed unmeasured confidence in him, called him at once from the victorious fields of the West to the Department of the Potomac, that Golgotha where army after army, the very flower of the nation, had melted away. He came to the Wilderness of Virginia when the traitorous Commonwealth had become the rendezvous of the allied armies of rebellion, and when the rebel chiefs were boasting that in the fastnesses of the Blue Ridge they could defy the world in arms. He marched from Washington, and he measured no backward step until he set his foot upon the shattered fragments of the greatest military power an invading army ever overthrew. He solved the problem which had baffled all others, and preserved a nationality after the world thought it gone down.

How stood he then? The nation leaned and reposed upon him and blessed him. Both hemispheres gazed at him as the prodigy and wonder of the age.

*The Democrats sought his consent to nominate him for the Presidency without platform or pledge, but he declined.* His integrity taught him that when a party chooses a candidate from the other side somebody is to be cheated; and, by Grant's consent, no one ever was or ever will be cheated.

\* \* \* \* \*

#### WHAT HORACE GREELEY SAID.

“Grant and his policy deserved the very highest credit.

“The people of the United States know General Grant—have known all about him since Donelson and Vicksburg; they do not know his slanderers, and do not care to know them.

“While asserting the right of every Republican to his untrammelled choice of a candidate for next President until a nomination is made, I venture to suggest that General Grant will be far better qualified for that momentous trust in 1872 than he was in 1868.

“We are led by him who first taught our armies to conquer in

the West, and subsequently in the East also. Richmond would not come to us until we sent Grant after it; and then it had to come. He has never yet been defeated, and never will be. He will be as great and successful on the field of politics as on that of arms."

\* \* \* \* \*

#### "GIFT-TAKING."

But let us go back a moment to Grant before he seriously thought of being President, and when he was only the idol of the nation. Returning from the field covered with glory but poor in money, the affluent, whose fortunes he had saved, met him with munificent offerings. In this they followed the customs of ancient and modern times.

The austere republics of antiquity enriched and ennobled their heroes returning from victory. England, with an unwritten Constitution and an omnipotent Parliament, which a lawyer once said "could do anything but make a man a woman," has enriched her generals both by acts of Parliament and by voluntary subscriptions.

In the United States the Constitution does not permit Congress to act in such matters; here they rest wholly in the voluntary action of individuals; and that public presentations to heroes involved turpitude in givers or recipients has been first found out by the spurious reformers and libelers now clamoring for notice.

Wellington received from his Government and his neighbors more than \$3,000,000. British citizens of Calcutta made him presents, the officers of the army gave him \$10,000, the House of Commons voted him \$1,000,000, and a mansion and estate were purchased for him by subscription at a cost of \$1,300,000. Besides this, he was three times ennobled, twice by England and once by Spain.

Oliver Cromwell, for deeds done in civil war, received \$32,500 a year in gifts. Marlborough was given a stately palace and a splendid fortune. Nelson and his family were ennobled, and received \$75,000. Jewels and money were given to Fairfax for services in civil war.

\* \* \* \* \*

## GRANT NO MONEY-MAKER AND NO OFFICE-SEEKER.

Had wealth gained in office been Grant's aim, he would never have been President. As General of the army, he stood the foremost man of all the earth. His pay was for life, and was nearly if not quite as great annually as the Presidential salary. In money value and money-making opportunity, as well as in ease and freedom, his position then was immeasurably better than the Presidency for four years or eight. We know the Presidency sought him, and not he the Presidency; but had avarice been his thought, he would have refused the Presidency and kept the life-place of General.

The Presidential salary has not lured him now. We hear of "his pretensions," and of his "insisting upon being a candidate;" yet, first and last, he *never* made himself a candidate, and never, to my knowledge, has he expressed a wish to be re-elected. So far from it, that for more than a year his friends were uneasy with solicitude lest he should withhold absolutely the use of his name.

In place of dividing or hazarding the Republican party by seeking a re-nomination, he never consented to stand a second time until he was assured on every hand that the party demanded him, as the only man who could not be beaten; and my firm conviction is that, had no aspersion been cast upon him, he would personally gladly be mustered out.

More than a year ago, expressing to me privately his earnest wish to leave public toil, he said that at West Point he counted the days, the hours and even the minutes, to elapse before he should be graduated, and that, with a like eagerness, he counted the time that would complete his Presidential service; and often, before vindictive injustice had roused him to resistance, those who knew him best, and among them the ablest and purest members of the Senate, continually expressed solicitude lest he should refuse to run again, and leave the party distracted by rivalries and with no candidate so strong.

But when the shower of mud and the beating of gongs and the foul-mouthed uproar burst upon him, all felt that we were safe. Grant never scares well at all, and is never driven when courage can make a stand; and the two debts the Republican party owes to the deserters who have attempted to betray it are, first, that

they have cleansed and reformed the party by leaving it; and, second, that they have insured it a candidate who, in the words of Horace Greeley, "has never yet been defeated, and never will be."

\* \* \* \* \*

Then came the next effort to throw dust in the people's eyes. The New York *Tribune* and other journals, which for a year had been doing the worse than menial offices of the Democratic party, raised a yell that "the office-holders were going to renominate Grant." This bald tale had its run until the Philadelphia Convention met. It then turned out that among seven hundred and fifty delegates there were not thirty office-holders, a thing unexampled in American politics.

\* \* \* \* \*

After scrutinizing Mr. Greeley's career minutely, the speaker thus concluded:

Yet in the blind - staggers of faction the American people are challenged to scan and decide upon this record.

Such a coalition and such a nomination mean chaos and disorder.

"Liberal Republican" movements have been tried in other States, and, until the results were felt, they succeeded. They tried, in Virginia, nominating a Republican for Governor on a bargain with the Democrats. Many Republicans were entrapped, and Virginia is cursed with a rule which the best Democrats are ashamed of.

They tried in West Virginia a fusion between "outs" and Democrats, and now West Virginia holds debate in her Constitutional Convention on the question of nullifying the Constitution of the United States and depriving the blacks of the right to vote. They tried in Tennessee a movement of bolters and Democrats, and the result is the destruction of common schools in which 190,000 children were cultured.

They made the experiment in Missouri, and the fruit it bore is a Democratic State government and Frank Blair in the Senate.

In all these cases one side or the other was cheated and the public interest was harmed, and now it is proposed to attempt the

same thing on a national scale. No wonder that leading Democratic journals and large bodies of Democrats refuse to be parties to such chicanery, and no wonder that it draws to itself, as no other movement ever did, the very worst of elements, North and South.

The issue stands before you. On the one side is safe, tried and stable government, peace with all nations and prosperity at home, with business thriving and debt and taxes melting away.

On the other side is a hybrid conglomeration made up of the crotchets, distempers and personal aims of restless and disappointed men. What ills might come of committing to them the affairs of the nation no judgment can fathom, no prophecy can foretell.

The result is very safe, because it rests with the same generation which was given by Providence to see through the darkness of the Rebellion, and that generation cannot be blind now.

This speech gave rise to much abuse of Mr. Conkling in the Democratic and renegade Republican press. The Greeley organs spoke of the "Grant" party as if it were a minority organization. Senator Lyman Trumbull, in a speech at Chicago several days later, assailed the senior Senator from New York for denouncing the defamers of General Grant.

It has since been said that the desertion of Grant by many of his former Republican supporters serves as an example of the ingratitude of republics.

It will be remembered that following the division in the Republican party of New York the Democrats carried the State at every election from 1867 to 1870 inclusive. In the autumn of 1871, although an "off" year, we have seen that



the Republicans were successful. Hence New York was regarded as a doubtful State. Bearing this fact in mind, Senator Conkling did not leave his own Commonwealth, but spoke in all parts of it. He then attained the distinction of formulating to a great extent the creed of his party, the justification of its Administration and its claims to popular support.

It may be claimed, properly, that he was the most effective of the Republican orators of the campaign of 1872. Excepting the autumn of 1880, the record of his achievements on the platform in the second canvass of General Grant surpasses in brilliancy and power any similar labors he ever accomplished. Senator Conkling's next speech was at Utica, August 8. Several days afterward General and Mrs. Grant, with a few chosen friends, visited Mr. and Mrs. Conkling. A reception was held at the Senator's mansion, at which four thousand persons shook the hand of the hero of Appomattox.\*

The result of the State election in North Carolina was then in doubt, but, in the earnest hope for Republican success, Senator Conkling said to President Grant: "General, if North Carolina has gone the right way, I won't get drunk, but I shall certainly quench my thirst."

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\* The late Dr. John P. Gray stood near General Grant and counted the "hand-shakers."



The reader will remember that in 1858, during Roscoe Conkling's first Congressional campaign, William H. Seward came to Oneida County to speak in his behalf. In reply to an invitation to take the stump in support of the Republican candidates, Mr. Seward sent the following letter :

AUBURN, N. Y., August 12, 1872.

*My Dear Sir:* I have reflected upon your kind letter of the fifth, in which you invite me, in accordance with what you think is the wish of many others, to express my views on the present political canvass.

Immediately after the general election of 1860 it became quite manifest that the advantage which had been gained in the election, in arresting the extension of slavery, was to be made the occasion of a civil war, with the declared objects of overthrowing the Constitution and dissolving the Union. Until that time I had been a leader in political debates. But it was the pleasure of the American people that I should relinquish that place and assume a ministerial office in the executive department which was so suddenly called upon to meet that exigency. Ministerial functions in revolutionary periods are trying and difficult. I did not believe that I should be able to perform successfully those which devolved upon me without an absolute renunciation of all political aspirations and partisan sentiments for my whole after life. I made and avowed that renunciation cheerfully, because I thought the fall of the republic would involve those who were in charge of the administration of its Government in irretrievable infamy, while if it should be saved my participation in saving it would be sufficient to crown a generous ambition.

The retirement which I entered upon in 1869, in pursuance of that resolution, has thus far been maintained. No unforeseen circumstances have yet occurred which seem to make it either necessary or wise that I should quit it. Moreover, health somewhat impaired and advancing years have rendered that retirement congenial.

My fellow-citizens, however, are in no case left in ignorance concerning the principles and policy which I deem it my duty to support by my vote. Beyond this, as at present advised, I must be excused from going.

Very sincerely yours,

WILLIAM H. SEWARD.

By A. A. G.

The Honorable ROSCOE CONKLING, Utica, N. Y.

The Soldiers' and Sailors' State Convention met at Utica, August 20, 1872. At the conclusion of the proceedings the delegates, headed by a band of music, marched to the residence of Mr. Conkling, who appeared upon the portico of his house and spoke as follows :

GENERAL, SOLDIERS AND FELLOW-CITIZENS—I need not tell you how welcome your presence is. No visit could be more acceptable than one from soldiers who became veterans on the burning battle-fields where the republic was saved. Crowned with the unfading glories already earned in paths of peril, you might repose upon your laurels, and leave others to bear the brunt of the remaining fight. But no; volunteers and heroes once cannot be laggards afterward. \* \* \*

Now you see plots to destroy the fruits of your valor and your toil, and again you appear in the field, a peaceful but arduous field, and there, once more you marshal the way to safety and success. The worst elements of the Rebellion, which failed in war, now creep and prowl in the stealthy path of politics, but they lift a fallen crest in vain. No victories are in store for the enemies of Union, order and liberty during the life of the officers and privates who fought for Vicksburg and Richmond and swept with Sherman from the mountains to the sea. A future generation, but not this one, may misread the lessons of the last ten years. In every State the "Boys in Blue" are marching, the empty

sleeves and crutches are astir, and the "Lost Cause" will remain lost.

\* \* \* \* \*

This is the meaning of your convention and of your visit to-night.

The canvass is defiled by shameful falsehoods, which outrage not only truth and decency, but common gratitude and common sense. Not content with arguing who shall be President, the ring-leaders of a sordid coalition seek to blacken the character and belittle the achievements of a great soldier and a stainless patriot. You and I know the sin of this attempt, and we mean that the result in November shall be not only a triumph, but a grand vindication of Ulysses S. Grant. Rest assured that your labor is not in vain. The skies grow brighter every day. The clouds are breaking everywhere. Calumny after calumny aimed at Grant explodes, and wounds the inventors.

Grant's fame is one of the treasures of the nation, and his name and his deeds will be held in grateful memory when his vilifiers have moldered in forgotten graves and when their epitaphs have vanished utterly. But I am not going to make a speech. The work that we shall do will carry New York for Grant and Wilson, and in the triumph of November the soldiers of New York will wear new decorations. Thanking you for this visit, and wishing you prosperity and happiness, I again bid you welcome, and would gladly take you individually by the hand.

The next day the Republican State Convention assembled at Utica, and nominated John A. Dix for Governor and John C. Robinson for Lieutenant-Governor. During the months of September and October, Senator Conkling was very active in the political field. He spoke at Watertown, Rochester, Buffalo, Olean, Brooklyn, Bath, Saratoga, Albany, Utica, Norwich and Johnstown. In his many speeches he rarely repeated himself.

During his remarks at Buffalo he thus spoke of the (then) recent settlement of the San Juan Islands question :

\* \* \* If it were earlier I would speak of the foreign policy of the Administration: I would speak of that great treaty which has settled grave questions that previous Administrations which tried it had failed to settle: I would speak of that decision by Germany's great Emperor, who has determined the San Juan boundary, which, in Polk's administration, Calhoun tried to settle and could not, and that came near involving us in a war with England. \* \* \*

On the fifth day of November, 1872, the memorable election occurred. Grant and Wilson carried every Northern State. Grant's majority of the popular vote over that of Greeley was 763,007. In the Electoral College the Republican candidate received 286 votes and his opponent 18. Concerning the State ticket, John A. Dix obtained a majority of about 40,000 over Francis Kernan.

1873.

## CHAPTER XXIII.

HIS RE-ELECTION—A LEGAL ARGUMENT—AN OFFICIAL TRIP TO CANADA—HE IS OFFERED THE CHIEF-JUSTICESHIP AND DECLINES.

MR. CONKLING'S first term as Senator expired March 4, 1873. A Republican Governor (John A. Dix) was inaugurated Monday, January 6. Two days later the joint caucus to nominate a United States Senator was held, and Roscoe Conkling, after receiving glowing tributes from many Senators and Assemblymen, was, at the roll-call, named by every member present as his candidate. His formal re-election took place on the twenty-first instant. He received the full Republican vote in both Houses, with the following result:

In the Senate: for Roscoe Conkling, twenty; Charles G. Wheaton, five; Henry R. Selden, one; William M. Evarts, one.

In the Assembly Roscoe Conkling received ninety-two votes, and Charles G. Wheaton twenty-six.

During this period Senator Conkling was, where he should have been, at his post in Washington. There were no open parlors and bottles and unworthy intrigues on this occasion. One reason for his success was his great personal triumph in the Presidential campaign of the previous summer.

Of Mr. Conkling's Senatorial associates, all but eight were then his seniors in years. He was the first *Republican* to whom the people of New York have accorded the meed of a second term in the Senate. After this re-election he was praised by some Democratic papers—notably the *New York World*—which spoke of the “honest State pride in the reputation of so worthy a representative.”

Mr. Conkling's unanimous renomination indicated the unbroken integrity of the Republican party of New York after the long and fierce feuds of several years; and he continued to be the undisputed Republican leader till his retirement in 1881.

We should remind the reader that about December, 1870, Senator Conkling wished to resign in order to accept a place in a legal firm with the annual compensation of \$50,000. He hesitated long and anxiously before he consented to be a candidate for re-election in 1873. To a friend he said, in substance, “I ought not to sacrifice another six years of time, worth at least \$50,000 a year to me, for the paltry pittance paid for my



services in the Senate." He took the same view of his third election, in 1879, but for the sake of the Republican cause he remained in public life.

No sooner was he elected than the Republican press of New York suggested him as a Presidential candidate to succeed General Grant. Indeed, President Grant hoped to see Mr. Conkling become his successor; and three years later Roscoe Conkling was the unanimous choice of the New York delegation at the Republican National Convention.

During the third session of the Forty-second Congress his part in the debates began with opposition to the bill for the relief of Boston after the great fire of November, 1872. The measure provided for a drawback of the duties to be paid upon "all materials imported into the port and district of Boston and Charlestown, and used in the construction and completion of buildings erected on the site of buildings burned" by the recent fire. Senator Conkling not only thought it was a dangerous precedent to establish but also apprehended that the Boston relief bill was in violation of that provision of the Constitution which reads: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

In December he presented petitions and memo-

rials, signed by many citizens of New York, praying for the prohibition of the manufacture, importation and sale of intoxicating liquors within the Territories of the United States and within the District of Columbia.

He took an active part in the debates upon the "steamboat" bill, the French spoliation bill, the measure to remove obstructions in the channel-way off Sandy Hook; and he favored the bills to endow agricultural colleges and to abolish the franking privilege.

Mr. Conkling submitted, January 27, 1873, the following resolution, which was agreed to:

*Resolved*, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of making any use of the present Executive mansion other than that to which it is now devoted and of taking any steps to provide another residence for the President of the United States.

This resolution may interest the reader, for the subject is now (under Mr. Harrison's administration) widely discussed.

The Senator afterward opposed an amendment to the bankrupt law, which sought to abolish a *uniform* system of bankruptcy; *e. g.*, a bankrupt in the State of Virginia was to be allowed to retain several times as much property as he could hold in another State. Later on, he took a prominent part in the debate upon counting the Presidential vote.

Near the close of the session he urged the investigation of a charge of attempted bribery of a member of the Legislature of Kansas by a certain Senator, the allegation having been made by petition signed by a citizen of that State. Referring to the importance of the investigation, he thus concluded his speech :

But the thing which troubles me \* \* \* is the danger of putting it in the hands, not of the Committee of the Senate, but of those engaged in introducing witnesses before it, to monopolize and exhaust the residue of the session, and leave no possible opportunity for this accused Senator to make his defence, if defence he has.

A little before the end of the session he voted against the bill to increase salaries, then popularly known as "the back-pay grab." Notwithstanding his opposition, it became a law. He did not take his own back pay, and in the following winter (January 12, 1874) he successfully advocated a partial repeal of the objectionable act. His amendment repealed so much of the act of March 3, 1873, as provided for the increased compensation of public officers (members of Congress and Delegates) excepting the President and the Justices of the Supreme Court of the United States. *Vide Congressional Record*, January 12, 1874, p. 578.

Soon after the opening of the special session of the Senate, March 4, 1873, Mr. Conkling became a member of the following Committees: Foreign

Relations, Commerce, Judiciary, and (chairman of) Revision of the Laws of the United States. The last-named Committee was a very important one. His thorough knowledge of the common law and his great familiarity with federal statutes fitted him for this position. This work was very engrossing, especially as it related to the Southern States. He was also a member of the Select Committee on "Transportation Routes to the Seaboard."

Early in the special session Senator Morton, of Indiana, introduced a resolution declaring that Mr. Caldwell, of Kansas, had not been duly elected a Senator from the State of Kansas. This resolution was the chief topic of debate during the short session. The Committee on Privileges and Elections reported the resolution for the reason that the members of the Committee were of opinion that the members of the Legislature of the State of Kansas, by whose votes Mr. Caldwell was declared elected as Senator, were either bribed or unduly influenced to give him their votes.

Senator Morton, of Indiana, the chairman of the Committee, stated in debate that the Senate might either declare that Mr. Caldwell was never duly elected, or he might be expelled from the Senate. Mr. Conkling maintained the doctrine that the expulsion of Mr. Caldwell was the only legal remedy at the command of the Senate.

He took issue, March 12, with Senators Morton and Thurman concerning the application of the two celebrated cases of Walter Long and Arthur Halle in English history, which were prior to any British statute. Here the House of Commons avoided an election, and held it to be null and void because of bribery by a member. Senator Conkling also read from *Male on Elections* and from Burrows, and thoroughly discussed the clause of the Constitution referring to elections.

On the nineteenth of March he had the floor nearly three hours and finished his speech on the following day.\*

The Washington correspondent of the *Boston Journal*, under date of March 19, 1873, thus describes the effect of Senator Conkling's speech :

For three hours this afternoon did Mr. Roscoe Conkling, of New York, address the Senate on the Caldwell case with a thrilling power of eloquence rarely equalled in the capitol. The clearness and vigor of his remarks commanded the attention alike of those in the galleries and those on the floor, and he was listened to with undivided interest as he gradually built up his argument, leaving no stone upturned as he proceeded. His statements of facts were concise, his illustrations were copious, and occasionally he spiced his remarks with a bit of fierce sarcasm, of bitter invective, which even his enemies, the correspondents' "syndicate," could but admire.

Mr. Caldwell resigned March 24, 1873, and two days later the Senate adjourned.

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\* Mr. Conkling's remarks on March 19 and 20 would fill sixty pages of this memoir.

During the summer Senator Conkling argued in the Circuit Court of the United States before Mr. Justice Hunt a very important case concerning the jurisdiction of the States over their navigable waters. The point was the application for an injunction to restrain the building of a bridge over the Hudson River at Troy.

William A. Beach was of counsel for the applicants, and argued the case with his well-known learning and ability, Mr. Conkling appearing in opposition. The question involved the construction of the clause of the national Constitution giving to Congress the exclusive power to regulate commerce among the several States; it being contended that this bridge obstructed the free navigation of the river and was thus illegal. Mr. Conkling, in an elaborate argument, exhausted all the learning on the subject. He reviewed all the cases upon the subject from the Wheeling bridge case down, and discussed the authorities upon the general principles applicable to the case.

This argument should be preserved in every law library, containing, as it does, references to all the law and important decisions on the matter of the bridging of navigable rivers and the jurisdiction of the States over their navigable waters. It is also a very clear and comprehensive discussion



of the "power" granted to Congress by the Constitution "to regulate commerce with foreign nations and among the several States."

He appeared, as stated, in *opposition* to a motion for an injunction to restrain the erection of a bridge over the Hudson River at Troy. The motion had been made by parties engaged in transportation by the Erie Canal and the Hudson River. It was denied, and the bridge was built.

The following is a cogent illustration from his argument:

The tread of man has been ever on lines of latitude rather than on lines of longitude. This is the fiat of Nature's laws. The geography of America directs the destiny of population and enterprise eastward and westward in an orbit belting the globe with industries and commerce.

The rivers of America flow north and south; and it would be pitiable indeed if a civilization which, in its impetuous career, tunnels and levels mountains, ploughs through cities, and flings down and tramples out the habitations of the living and the sepulchres of the dead, could be baffled by a sacred and impassable barrier, where a licensed canal-boat wallows in the coasting trade. The history of every river and the policy and jurisprudence of every State laugh at such a theory. Man shrinks from crossing isothermal lines, and the products of the earth will not endure different zones and climes; the breadstuffs of the West perish in the tropics, and wheat and corn from Northern prairies will not bear transportation through the delta of the Mississippi and the Gulf of Mexico.

Thus, tracks across the continent, on which travel and traffic may sweep from sea to sea, stayed by no obstacle which science can surmount, are as inevitable as the decrees of fate.

This case is reported in Blatchford's Circuit Court Reports.\*

The United States Senate Committee on Transportation Routes, of which Mr. Conkling was a member, visited Montreal in September. They were met by the United States Consul-General and the president of the Board of Trade, the Hon. John Young, M. P., and members of the Corn Exchange. The entire party then went on board the steamer *Bohemia*, which had been chartered by the Board to take their visitors up the Lachine Canal and down the Lachine Rapids. When half-way through the canal the United States Senate Committee and the gentlemen with them were invited to a banquet in the saloon. After the repast the president of the Board of Trade made a brief speech, and was followed by Senators Windom and Norwood. Mr. Conkling was the next speaker. He said:

\* \* \* Between the watersheds of our continent lies a granary which holds the food of the world. Part of this bread-field belongs to the United States. We have a basin 2,000 miles long, 1,400 miles wide, and the cereals which may grow there, and the cattle which may graze there, added to those which British America can produce, are enough to feed all Christendom.

The value of property in this hemisphere is no longer in what it is, but in where it is. No product is valuable in some places. All products are valuable if you can place them where the needs

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\* Mr. Conkling's argument was printed in pamphlet form, and he sent many copies of it to his friends.

of man require them. Now we doubtfully contest the wavering balance of trade with Russia in respect to her supply of wheat to Great Britain. Why? Because to bring a bushel of wheat from Chicago to the Atlantic costs us thirty cents. Russia can do it equally cheap, including the cost of production. How can you and how can we change all this? By finding a route by the St. Lawrence or by any other channel by which you can reach the seaboard for fifteen cents a bushel. Do this, and Russia no longer can hold dispute in the markets of the world. Russia is no longer the rival of British America or of the United States.

Thus far our needs and our destinies are alike and identical, and we have come here to learn how to contribute to a common object. But there is a point at which the lines of interest part. Between producers and shippers there is no difference, whether they live north or south of the St. Lawrence. But you in Canada are contesting with us for supremacy in the carrying trade. Here rivalry and competition begin—and we mean not to be outstripped by you or by anybody else. One of the problems of our statesmanship is to grasp for the United States all the carrying trade on land and sea which we can win in the battle of competition. Where our interests are alike, we will join you; where our interests differ, we will engage you in a generous rivalry, a friendly grapple for the mastery; but hostility or jealousy toward you has no place in American councils.

Speaking for the producers of the United States, the capitalist, the man whose industry is to grow or carry the products of the forest, the field, or the mine, I say that no antagonism exists beyond the competition which alone gives inspiration to enterprise or progress. Cheap transportation, by whatever route, is doubly interesting to us in the States. A ruthless rebellion rolled upon us a great debt which burdens our people, though they steadily and bravely melt it away. Show us how to transport cheaply the growth of the West into the port of New York, and our debt vanishes like the shadow of a passing hour. Cheap transit is, indeed, the great material question of the hour. We are all in earnest about it, and we shall be in earnest more and more.

I know not for whom I have authority to speak here. Not for the great State of New York, whose destinies and honor are so

dear to me. She has sent through her Legislature tried and trusted men, and they speak for her. There is no other State for which I may speak, certainly not for all, and therefore I speak only for myself. So speaking, I believe that in the East and the West the problem of creating channels for commerce will assert itself and hold supremacy until it is successfully solved. How our Government will act cannot now be foretold; but wisely, thoroughly and promptly they will keep abreast of the times and break the way for future generations. In your efforts to improve facilities we bid you God-speed. There is enough for all and to spare. In this belief I give you a sentiment.

“British America and the United States: may they unite in advancing industry, civilization and progress, and may they unite also in generous rivalry for primacy in the enterprise and commerce of the world.”

The Republican State Convention for the nomination of State officers below the rank of Lieutenant-Governor met at Utica, September 24, 1873. Senator Conkling did not attend, but at his suggestion a resolution condemning the back-pay bill of Congressmen, and pledging the Republican party to repeal the objectionable features at the coming session of Congress, was introduced and adopted.

Chief-Justice Salmon P. Chase died May 7, 1873. During the recess of the Senate, public men and the press named Mr. Conkling as the proper successor. No other lawyer was so generally suggested. In November, 1873, he received the letter which, together with the reply, is here inserted in *fac-simile*.





Executive Mansion,

Washington D.C. Nov. 8<sup>th</sup> 1873.

My Dear Senator:

When the Chief Justice  
became vacant I necessarily looked  
with anxiety to some one whose  
appointment would be recognized as  
entirely fitting and acceptable to  
the Country at large. My own  
preference went to you at once.  
But I determined — and announced  
that the appointment would not  
be made until the meeting of  
Congress — that I thought a Chief  
Justice should never be subjected  
to the mortification of a rejection.  
The possibility of your rejection



of course was not dreamed of. But  
I think the conclusion of waiting  
for confirmation was right in  
principle.

I now wish to state to you  
that my first convictions on  
the subject of who should be  
Judge Chan's successor have re-  
ceived confirmation by time; and  
I tender the nomination to you,  
to be made in the meeting of Congress,  
in the hope that you will accept  
and in the full belief that no  
more acceptable appointment  
could be made.

Very Truly Yours  
W. H. Bryant

Wm. Plumer Conklin  
N. H. N.



Letter to J. H. Thompson

My dear Mr. Thompson

I have just received your letter of the 10th inst. and am glad to hear from you. I am well and hope this finds you the same. I have been thinking much of late about the future of our country and the state of our Union. It seems to me that we are passing through a critical period in our history and that the result will determine whether we are to remain a united people or become a collection of warring states.

I believe that the only way to preserve our Union is by maintaining a strong central government and by respecting the rights of the States. I am sure that you will agree with me in this.

I am, dear Mr. Thompson, very truly yours,  
Wm. L. Chapin

Wm. L. Chapin

Utica, N. Y. November 20<sup>th</sup> 1873

My dear Mr President.

Your letter of the 8<sup>th</sup> Instant, postmarked the 13<sup>th</sup>, came here during my absence — on the 14<sup>th</sup> Enl. Babcock mailed a copy, which reached me at New York on the 15<sup>th</sup>, and the space since then you will not I trust think too long for due reflection.

You offer me the Chief Justiceship — and this Confidence outweighs all the honors of the place —

My transfer now from the Senate to the Bench, involves considerations not only beyond my own interest and wishes, but I think, even beyond those before you; and after much thought I am convinced that in view of the whole case you would agree

His Excellency  
President Grant.  
Washington D. C.

agree with me that another appointment  
should be made.

I will not detain you with reasons,  
nor with expressions of the profound sense  
of obligation to you which will abide  
with me always; but instead, I ask you  
to let your choice fall on another, who,  
however else qualified, believes as man  
and lawyer, as I believe, in the measures  
you have upheld in war and in peace.

Your friend and servant  
Wm. F. Phelps.





In declining the offer of the Chief-Justiceship the Senator made this characteristic remark: "I could not take the place, for I would be forever gnawing my chains." A born controversialist, his love of argument led him to take part in a discussion rather than to become a listener.

The following article, from the *Utica Morning Herald* of Wednesday, November 26, 1873, concerning Mr. Conkling as Chief-Justice, was an indication of public sentiment:

The impression is growing into conviction that, in accordance with the very general preference of lawyers and publicists, President Grant will nominate Hon. Roscoe Conkling for Chief-Justice, and he will doubtless be promptly confirmed by the Senate. We have no information on the subject not possessed by the public, and we understand that Mr. Conkling gives no intimation whether the place has been tendered to him, nor whether, if offered, he would accept it. The tendency of discussion, however, is to the conclusion that the commission will be offered and will be accepted. \* \* \*

Because national legislation is liable to come into review by the Supreme Court, it is of the first importance that the new Chief-Justice should be in accord with the principles settled by the war. \* \* \* As it is essential that a Chief-Justice should accept the Constitution without reserve, it is just and proper that he should be in accord with that body of the laws which the sacrifice of blood has made holy, and in which stability is of the very first consequence. As one of the active and efficient legislators throughout the period of Reconstruction, Mr. Conkling must have a deep and complete appreciation of the new testament of our Constitution.

The Chief-Justice should be an eminent jurist. The criticism has been made that Mr. Conkling's services in the national councils have interfered with his devotion to the technicalities of the

law. The breadth of this criticism is that he is more of a statesman than a lawyer. If the choice must be between broad and profound comprehension of the spirit of law, and narrow converse with the letter of statutes, it will be wise to prefer the former, which is the higher quality, because the latter can be added by study. But the situation is not of that nature. Mr. Conkling has been engaged in intricate and difficult litigations in all of the higher courts. The universal testimony is that his preparation is always accurate and very full. He grasps the broader views of the controversy, but is always familiar with the details of statutes and the whole array of authorities. If he were less a statesman, he would perhaps have more credit as a technical lawyer. *But in every case which he tries, the elaborate detail of information which he exhibits must be recognized, even if it fades before the power of his logic, the brilliance of his rhetoric, and his ability to lift a commonplace suit above mere technicality to the plane of equity and of principle.*

*This is due to that which is one of Mr. Conkling's strongest traits—the power of effective work. If genius is a different thing, it must have this ally to possess practical value. In all that relates to the bench, and to decisions which are to live, industry must direct brains. Investigation must be thorough; discussion must be exhaustive; statements must be clear, direct, forcible. It is no disparagement to others to say that in all of these things the superiority of Mr. Conkling is recognized by friend and foe.*

Going upon the bench in the maturity of manhood, with a full familiarity with the greatest subjects which can come before him, with a high appreciation of the dignity and the requirements of the position, *Mr. Conkling will carry all the abilities which have placed him, by common consent, among the clearest reasoners of the Senate in this or any previous day.* If he is young, he will grow older; and the court, already a little heavy with years, will gain by his vigor and be brought abreast with the generation. *It is not every Senator who can be wisely transferred to the bench. The legal acumen, the keenness of analysis, the grasp of logic, and the far-reaching comprehension of Mr. Conkling explain the marked unanimity with which his fellow Senators, of both parties, unite to pronounce him, taken all in all, the fittest choice for Chief-Justice.*

The question of acceptance involves elements personal to Mr. Conkling. So far as it depends upon public considerations, they are already stated. For a lawyer no higher station can exist than that of Chief-Justice for life of the United States Supreme Court. The general verdict in favor of Mr. Conkling for that position will go far to determine the action of the President and of Mr. Conkling himself, if doubt yet remains in the mind of either.

After Mr. Conkling's refusal to accept the Chief-Justiceship, the President nominated for this place George H. Williams, of Oregon. The Senate, however, refused to act upon his name, and in January, 1874, Senator Conkling was again urged to reconsider his decision. Two of the most influential Senators assured him that if he would allow the use of his name he would be promptly confirmed; but he would not consent, and soon afterward Morrison R. Waite, of Ohio, became the successor of Chief-Justice Chase.

The following letter explains itself:

WASHINGTON, January 18, 1874.

HON. A. B. CORNELL,

*Dear Sir:* The country seems to require that the Chief-Justice should possess high character, sound principles, great capacity and wide celebrity.

It is not easy to fill that bill. One has been condemned because he wanted celebrity, another because he lacked principle. The President is forced to another selection. It seems highly probable he will name Mr. Waite, of Ohio. We are convinced Mr. Waite has every requisite except repute. But it may be objected to Mr. Waite that he is the third or fourth choice and that he is unknown. If Mr. Conkling could now take the place, it would be confirmed on the President's first choice, instead of his

fourth. No one could deny the possession of every *other* requisite, and it would be most manifest that the office sought the incumbent, not the incumbent the office. We have the *best* of evidence that the President would like to renew the offer to Mr. Conkling. We have some reason to believe that he might now accept the appointment with less embarrassment to his friends than when it was first tendered him. But we do not know how to reach him, and so we venture to address you, knowing you to be friendly to the party, to the Administration, and to Mr. Conkling. *If* you will say to us by *twelve o'clock* to-morrow that Mr. Conkling will accept, he can be made Chief-Justice by four P. M.

Very truly yours,

T. O. HOWE.

H. HAMLIN.

P. S.—There can be no doubt that we are acting in harmony with our friends here.

H. H.

The following answer was sent:

WASHINGTON, January 19. }  
12:25 P. M., U. S. SENATE. }

Hon. TIMOTHY O. HOWE:

*Repeated back.* I am satisfied that circumstances render it inadmissible for the person you name to do as you propose.

A. B. CORNELL.

1874.

## CHAPTER XXIV.

SENATORIAL DEBATES—FINANCIAL MEASURES—A CELEBRATED CASE.

ON the opening day of the first session of the Forty-third Congress Mr. Conkling introduced a bill "Relating to certain moneys appropriated to members of Congress." Senator Wright, of Iowa, the same day introduced a bill "To repeal so much of the act of March 3, 1873, as increases the salaries therein named."

Senator Conkling's measure was according to an intention he had formed at the previous session. We have already given its fate. Mr. Wright's bill was more radical, for he proposed to repeal the increase of *all* salaries, which would, of course, include that of the President (\$50,000). It is unnecessary to say that Mr. Wright's measure was not enacted.

A bill to repeal the bankrupt law was soon introduced. Mr. Conkling presented memorials of leading business firms in New York and Brooklyn remonstrating against the repeal and suggesting

certain amendments. He afterward offered petitions of a few merchants in Central New York praying for the passage of the bill.

In consequence of the then recent fatal collision of the steamer *Ville du Havre* and the ship *Trimountain*, Mr. Conkling presented a memorial from the Chamber of Commerce of the State of New York praying "That an international commission be appointed to consider the question of collisions upon the crowded vessel-track on the ocean between Europe and this country, and to devise such regulations as may hereafter guard human life."

In March Senator Conkling spoke briefly concerning the deaths of ex-President Fillmore and Charles Sumner.

During the remainder of the session much of the time of the Senate was spent in the consideration of bills referring to the liquor traffic commission, the national bank circulation, currency and banking, the Geneva award, the Louisville and Portland Canal, the Centennial exhibition, the security of life on steam vessels, moieties under the customs laws, and appropriations for the payment of claims reported by the Claims Commissioners.

In all these measures Mr. Conkling bore a conspicuous part. We have, however, space only for an account of his part in the legislation upon



the national banks and the currency. Three bills were pending before the Senate ; first, an amendment of an act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof," approved June 3, 1864 ; second, a bill to amend the act entitled, "An act to provide for the redemption of the three per cent. temporary loan certificates and for an increase of national bank notes," approved July 12, 1870 ; and third, "A bill for the retirement of the national bank notes, for the refunding of the non-taxable bonds into a five and a half per cent. interchangeable bond, and for the resumption of specie payments." The last-named measure was not reported, but as a substitute the following was introduced, "A bill to provide for the redemption and re-issue of United States notes and for free banking."

The first-named bill was introduced by Mr. Conkling January 29, 1874, and in April it was reported in an amended form from the Finance Committee.

Concerning the second-named measure Senator Conkling spoke briefly, February 19, 1874. His voice and his vote were uniformly in favor of the good faith and honest currency of the republic, for he was glad to advocate a measure that made

our currency the equivalent of gold in the markets of the world.

During the latter part of March Senator Conkling took a prominent part in the debate upon the national bank circulation. He presented a memorial from merchants of the city of New York, declaring the belief "that an additional issue of paper money would be injurious to the public interests" and "that the country is now and has been for years suffering from an excess of paper money," and praying "that measures be adopted such as will lead to the resumption of specie payments at the earliest time practicable."

In the course of his remarks upon this memorial Mr. Conkling said :

\* \* \* There is one financial position and one need, in which all men agree—the expansionist, the contractionist, the Democrat, the Republican, the importer, the business man, the workingman, every constituent of society—and that is that the great duty and need of the hour is to see to it that whatever is to be done or omitted on this subject shall be at once. Everywhere the testimony is that the spring business is halting, in a large degree paralyzed, owing to the uncertainty in which the country is kept, owing to the fact that no man knows by what yardstick he is to measure, by what volume of currency or standard of value he is to calculate; and the whole business community is waiting, until the spring business is threatened, and until it has already been greatly injured.

In the early part of April the Senate, in Committee of the Whole, considered the bill to provide

for the redemption and re-issue of United States notes and for free banking. Mr. Conkling vigorously opposed this measure, but it passed by five majority.

On the twenty-second of April President Grant returned this bill (which was popularly known as the "inflation bill") to the Senate with his objections. Senator Conkling, on the same day, moved to lay on the table the veto message of the President and to take it up at a proper time unless anticipated by some other Senator.

General Grant's famous veto of the "inflation" bill was perhaps his most important official act during his two Presidential terms. While the biographer does not wish to rob President Grant of the credit due him for defeating such a harmful measure, he wishes to state that Mr. Conkling strongly urged him to disapprove the bill.

A leading newspaper, in an obituary of Senator Conkling, says: "One of his most signal services to the country was the influence which he exerted over President Grant in advising him to veto the pernicious measure known as the inflation bill."

Another newspaper, in a similar article, stated that "Senator Conkling's position on the veto of the inflation measure of 1874 made him the leader of the Senate."

This action of the President was regarded by

Senator Morton and others as confirming the position of Mr. Conkling as the exponent of the Administration policy. Mr. Morton gracefully recognized the fact from this period.

It is worthy of remark that President Grant was advised by many friends to sign this bill, and, the author is informed by a member of the Cabinet, that the President wrote a message of approval to see how it would read. He then told his Cabinet at the next meeting that he could see no reason for approving the measure, and forthwith sent to the Senate the following message:

Herewith I return Senate bill No. 617, entitled "an act to fix the amount of United States notes, and the circulation of national banks, and for other purposes," without my approval. In doing so I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.\*

Concerning the "inflation" veto, Senator Conkling wrote the following letter:

WEDNESDAY EVENING, April 24, 1874.

*My Dear Mr. President:*

My daughter says you are going out this evening, so I do not come, as I would do, to express my admiration for your latest proof that you are as great as any duty ever set before you.

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\* Some writers have since attributed to others (ex-President Hayes and John Sherman) the chief credit of maintaining the honor and good faith of the nation.

I send a telegram, the first to come from President Andrew D. White. I go in the morning on an errand to New York, to be back, however, in season to give my mite to the vindication of your position and your fame.

Your friend and servant,

ROSCOE CONKLING.

THE PRESIDENT OF THE UNITED STATES.

In later years Mr. Conkling often spoke of the veto, but especially in his long speech at the Academy of Music in New York, September 17, 1880, when he referred to the great work of resumption and discussed the "brave veto" of the inflation bill by President Grant. He also referred to a conversation at the White House.

This speech is referred to in Chapter XXXII., but we here give a brief extract, which includes the opinion of General Grant.

Senator Conkling said :

About a month later a conversation occurred one evening between the President and his chief advisers, Secretary Fish and others, about the wise course out of the increased difficulties which had come from the disasters of the year before. One of those present at this conversation was Senator Jones, of Nevada. So struck was he with the views expressed by President Grant that the next day (June 4, 1874) he by letter requested that the substance of them should be put in writing, and a copy sent him. This was done, and the memorandum made by the President was handed about among members of the two Houses, and afterward found its way into print. Here it is. It is the foreshadow of the resumption act, to which the veto had paved the way. I will read two passages:

"I believe it a high and plain duty to return to a specie basis at the earliest practical day, not only in compliance with legisla-

tive and party pledges, but as a step indispensable to lasting national prosperity. I believe, further, that the time has come when this can be done, or at least begun, with less embarrassment to every branch of industry than at any future time after resort has been had to unstable and temporary expedients to stimulate unreal prosperity and speculation on a basis other than coin, the recognized medium of exchange throughout the commercial world. The particular mode selected to bring about a restoration of the specie standard is not of so much consequence as that some plan be devised, the time fixed when currency shall be exchangeable for coin at par, and the plan adopted rigidly adhered to. \* \* \* I would like to see a provision that at a fixed day, say July 1, 1876, the currency issued by the United States should be redeemed in coin on presentation to any assistant treasurer, and that all the currency so redeemed should be canceled and never re-issued. To effect this, it would be necessary to authorize the issue of bonds payable in gold, bearing such interest as would command par in gold, to be put out by the Treasury only in such sums as should from time to time be needed for the purpose of redemption."

On the fourteenth of May the then all-important question of free banking and the currency was under consideration. Senator Conkling made a notable speech upon the amendment offered by him to Mr. Sherman's bill. The speech was so short and significant that we give it in full:

I have few words to say upon this amendment. It is offered in satisfaction of a complaint that inequality exists between States in respect of bank circulation. Lack of equality is a complaint always to be heeded. I forbear to dwell now upon the cause of the particular inequality in question. I say nothing of the fact that strenuous and hostile measures and efforts brought the banks of the States under the national system and caused them to accept circulation offered them for want of other takers. Suffice it



to say that New York and some other States have more than their quota respectively of bank circulation.

My amendment will change this. Forty-six million was the increase of bank circulation provided by a measure devised by expansionists, which lately won its way in vain through the Senate. The amendment adopts the same sum, and places it all at the disposal of deficient States as soon and as fast as they will take it. If the offer be accepted, well; if it be refused, for one I shall seek the best thing then to be hoped for during this session of Congress. I mean no action whatever touching the finances, and no attempt at future legislation.

In the present mood and temper of Congress, if this tender of banking advantages be not accepted, the best thing left is an end of the session, a despatch of needful legislation, the appropriation bills, the civil rights bill, and but little else, and then an early adjournment. We can thus take down the sword—the sword which has been hanging by a hair for five months over the head of every business man, while Congress has drifted upon a sea of talk. When the industries of the country are relieved from the suspense springing from the dread that Congress may do we know not what, when the incubus of uncertainty is lifted from enterprise and labor, the energy of the nation will in some measure retrieve and vindicate itself. We can at least leave trade free to fight its own battle; we can take the hands of Congress off its throat. An adjournment will do this. If, however, accepting \$46,000,000 as the need of deficient States in respect of bank circulation, the Senators representing the sections in which the need is supposed to exist will unite with Senators representing the States from which it is to be taken, we can redress the only grievance which has even an apparent reality.

Therefore, although this amendment may deprive New York and other States of some bank circulation, without expressing any opinion now upon the justice or injustice of the complaint made, or its good or bad faith, without attempting to forecast the result which alone can show whether a real need of bank currency exists, I will vote for the amendment because it will present to the option of deficient States all that we have been told by their Senators they need or think they need.

In the debate upon the supplementary civil rights bill, Mr. Conkling in the course of his remarks said:

\* \* \* It (the bill) punishes the keeper of an inn who commits indignity and violence upon a man, not because he is drunk, not because he is boisterous, not because he is offensive, not because he is unclean, not because he is a pauper and unable to pay, not because he awakens hostility for any reason which concerns the interest or the right of him who visits him with indignity and wrong. It punishes only the man who indulges in assault, in opprobrium, in injury of his fellow-man, merely because he cherishes a lawless prejudice, merely because he carries in his heart a base and paltry hate insulting to the spirit and civilization of the age, a hate which has been trampled out on this continent in blood, it is to be hoped forever. A man who sins thus deliberately, who in cold blood selects as the object of his vengeance and injustice the most inoffensive, the most friendless, the most unarmed, member of society, puts himself beyond the pale of that extenuation due to all offences committed where some lion-like temptation springs upon the judgment and overpowers it before resistance can begin.\*

\* \* \* \* \*

In 1885 he wrote a long letter declining an invitation to address colored men, and signed himself "Your obedient servant."

The Senator soon afterward considered the bill for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington May 8, 1871, between the United States and the

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\* Mr. Conkling once said : " Whenever I see a black man, I always feel that I am with a friend."

Queen of Great Britain. Here Mr. Conkling opposed the amendment of Mr. Thurman concerning the claims of insurance companies or insurers. During the remainder of the session Senator Conkling, as chairman of the Committee for the Revision of the Laws, spent much time in perfecting three bills to revise and consolidate the statutes of the United States in force on December 1, 1873.

In the spring of 1874 Mr. Conkling appeared as counsel in a suit brought by the New York Central and Hudson River Railroad Company against the Collector of Internal Revenue to recover the amount of a tax assessed upon and forcibly collected from that corporation.

This case was begun in the New York Supreme Court for Albany County May 21, 1873. Two days later the complaint was served. It demanded judgment in round numbers for \$600,000. Sidney T. Fairchild was the attorney of record; and Richard Crowley, the United States Attorney, appeared for the defendant. The suit was at once removed to the United States Circuit Court for the Northern District of New York. The defendant's attorney filed, June 21, 1873, the amended plea and notice of special matter in the Circuit Court of the United States at Canandaigua.

The following digest of this important case is

taken from Mr. Conkling's appellate brief, and we print it to give the reader some idea of the suit.

The action is, in substance, trespass, for seizing property and exacting money of the plaintiff below, amounting to \$594,002.89.

The sole defence is a justification under an alleged assessment on a "scrip dividend," and distraint under said assessment. The issue is the validity of the assessment and distraint, and this issue, should the assessment and distraint be found regular in themselves, will embrace the inquiry whether certain "certificates" were or were not taxable under one of the income sections of the internal revenue acts.

\* \* \* \* \*

The act of assessment was without notice or proceeding, as required by the statute. The assessor, at the dictation of another person not authorized to make assessments, sat down alone in his office, without notice to anybody, and noted on a paper a supposed total of certificates issued, which total he took from a document theretofore printed by the Legislature of New York, and which total was proved on the trial to be erroneous by a million dollars or thereabouts. This paper, stating that a five per cent. tax was due on the total thus assessed, and stating that the corporation which issued the certificates was charged with the tax and a penalty of \$1,000 besides, was handed to the Collector the day after it was made.

Nothing else by way of assessment was ever done. No hearing was allowed or time permitted. No regular list or roll, annual or special, was proved, but the Collector, by notice (not in itself complying with the statute) to the extinct corporation, and eventually, after nearly two years, by notice inaccurately addressed to the defendant in error, demanded payment of the assessment.

Still later, six-fifteenths of the assessment in lieu of the whole was required, and finally the Collector issued, in succession, to his deputy three warrants, two against the old company or the defendant in error in the alternate, and one against the plaintiff alone.

On these three warrants seizures were made of property of great value, none of which had ever belonged to the company

assessed; and under threats that all its property would be seized, the defendant in error paid \$594,002.89, at the same time protesting.

Pending this exaction, the question of the liability of the certificates to taxation was referred by the revenue bureau to its law officer, the solicitor, and he, in a written opinion, held that the certificates were not among the objects of taxation visited by the revenue acts. The matter was still later submitted by the Treasury Department to ex-Commissioner of Internal Revenue William Orton, ex-Supervisor of Internal Revenue John F. Smyth, and Ralph P. Lathrop, the Assessor who, under direction, had made the so-called assessment. This board of arbitrators, or commissioners, decided that the certificates were *not* taxable.

This cause was tried at Canandaigua before the Hon. William J. Wallace and a jury. Mr. Fairchild opened the case, and Senator Conkling summed up. Mr. Conkling's connection with this suit led to a very unjust attack upon him by opposition journals. Knowing well the provisions of section 1782, of the Revised Statutes of the United States, he had refused to have anything to do with the case while it was pending before the Treasury Department. It was only when the Government had collected the assessment, and after the cause had been transferred to a court of law, where he could deal with it in a purely professional capacity, that Mr. Conkling accepted a retainer from the railroad company. He was confident that the assessment was illegal, and having his livelihood to earn by his profession, he undertook to recover the amount alleged to be due. Yet he was falsely accused of

bringing political influence to bear upon the case. It was insinuated that the Judge and the District-Attorney had been appointed by the aid of Senator Conkling, and that they would hesitate to oppose him. On the contrary, it was said the Judge was predisposed to decide against the railroad company, and the United States Attorney had made most complete preparation for the trial. Although on nearly all of the issues raised the rulings of the Judge were strongly against the plaintiffs, he finally decided that the assessment was illegal, for under the law he could see no alternative.\*

Mr. Conkling's summing up is too long to print. The evidence at the trial was largely documentary, and he commented upon it at great length. He replied to his public defamers and vindicated himself.

He thus closed his argument:

\* \* \* If your Honor please, I have done with this case. I have attempted to discuss it, perhaps at needless length. I have tried to show that, regardless of the original liability, the assessment, so called, the alleged authority to the Collector, and his warrants to his deputy, together with the seizures and enforced collections, were all in flagrant violation of law. I have attempted

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\* It should be remarked that the federal judges in the State of New York, who were appointed partly through the influence of Mr. Conkling, were very apt, when he appeared before them, to rule against him. On more than one occasion he was prevented from earning a legal fee through the over-sensitiveness of a judge to the slanderers of the hour.



also to show that the proceedings of the directors of the New York Central Railroad Company, on the nineteenth of December, 1868, did not constitute the declaration of a taxable dividend. If I have failed to establish these positions, the fault is my own. They are, I believe, plainly demonstrable; and it is fortunate that they will be determined on their merits, and by the argument of my associate, and not by my argument alone. I submit them to your Honor, and I leave this case, perhaps forever, with two remarks.

This issue has, for years, been tried in bar-rooms, in street-cars, in newspaper offices and in other places where men and gossippers most do congregate. It has been tried *ex parte*; it has been used as a theme to feed the distemper and craze of these times—that craze of suspicion and disbelief which doubts the honesty of every one and everything; which shakes its head, and wrings its hands, and carps and decries continually; that distemper which insists that public and private action on every side is false and venal, and that whatever is, is wrong. To libel the days in which we are living, and to deride the purity and uprightness of those who conduct affairs, is now so generally the fashion that of course hard names must be called and gross insinuations made, when a question arises whether certain written instruments are taxable or not. Accordingly, it has been said, and published, that the issue of the certificates in question was dishonest, and that the actors in the transaction were steeped to the eyes in trickery and deceit. My associate, as counsel, took part in the affair, and others also, whom your Honor knows as men of spotless character and incapable of fraud.

When the question of the tax arose, detraction again loosed its tongue, and the public ear was dinned with new accusations. It was said that the tax was clearly due, that everybody knew it, that the Company and its officers were trying to wriggle and twist out of a tax which all honest or patriotic men would pay, and that the question was whether the treasury officials would stand up against a rich corporation, or whether they would be corrupted.

When the matter was presented for decision to the Commissioner of Internal Revenue and to the Secretary of the Treasury, both these officers were warned, by clamor, that their reputations

would be blackened if they decided in favor of the Company; and even with the opinion of the Solicitor (then a private paper) before them, and afterward the report of their own commissioners before them, they could not have ordered the assessment to be waived, and a suit to be brought fairly to try the question, without subjecting themselves to a deluge of imputation.

At last the case has reached a court of justice, where both sides can be heard, and where the hot breath of passion and faction does not mildew reason. The plaintiff has had a full hearing, so has the defendant. The directors of the plaintiff, in contesting the large sum at stake, have acted only as trustees for all the men and all the women and all the children who make up the stockholders, and whose gain or loss the result must be.

Whether trustees should have relinquished this money without an effort to recover it, or whether they have acted wisely and properly in striving to save it, I am content to leave to the judgment of any man or any woman who has intelligently listened to this trial.

One other remark, and I have done. Long ago the late Mr. Justice Nelson, then being on the bench, and likely there to remain for some time, and Judge Hall, the predecessor of your Honor, being also on the bench, with a prospect of years before him, one who now is also in his grave—I refer to Mr. Horace F. Clark—came from the officers of the plaintiff to retain me as counsel in this cause. I should be more literal in saying that Mr. Clark came to retain me in such proceedings before the courts as might grow out of the claim for the tax involved in this cause. At that time this action had not been commenced.

When this application was made, I did not know but that some phase or branch of the controversy might still come before one of the departments of the Government, and I thought it proper to decline all connection with it. There was of course no legal objection to a Senator's acting as counsel in court in any case, provided his retainer was not from the Government; but I chose not to act as counsel in a case anything connected with which might be dependent before any one of the departments. I declined the retainer, and gave my reason to Mr. Clark, who deemed it rather fine-spun, and proposed to renew the subject after

everything had passed away except a stand-up contest before the judicial tribunals. Months rolled round, and the time came when all connection between the case and any executive department at Washington was entirely and finally ended, and the whole matter was transferred to the courts of law. I was then again applied to; and learning that everything pertaining to the controversy was thereafter to be confined to the judicial arena, I accepted a retainer, and, owing to considerations of more recent origin, I have derived much satisfaction from the fact. At first I saw in the employment only the labor, and the wages of the laborer, and I shrank from the toil, knowing it would be great, and would be required at weary and inconvenient times. My associate will remember the laggard steps with which I came into the case, and he will remember also that the flattering wish he expressed, and my willingness always to be associated with him, turned the scale with me, when illness and other occupations made me hesitate.

The practice of law is my profession, and "the means whereby I live." Never so much as since I have been in public life has it been necessary to pursue my profession for my own maintenance, and for that of those dependent on me; it is an absolute necessity, and one which will be, as it has been, steadfastly obeyed always, when it does not consume the time due to public labors. All this is of no interest to your Honor, or to any one but myself, and yet I feel warranted in alluding to it for reasons which will appear in a moment.

It should here be stated that this action was commenced by us in the courts of the State of New York; there we meant to keep it; there we meant to try it. But the defendant, in spite of our wish, removed it into the courts of the United States and brought it here.

Moved by the hope of partisan advantage, or by some kindred motive, it has pleased persons connected with public prints to arraign the propriety of my acting as counsel in the case, and acting, as they say, against the Government; as if there was anything in law or morals or reason forbidding any lawyer from acting professionally against the Government before a court of justice. There has been much of this censorship. Indeed, I have been assured by ear-witnesses that it was announced in the

streets months ago that I was to be driven from the case by persistent printed calumny.

The effort has been somewhat persistent; it has been carried so far, I regret to say, as to reach attempts to bespatter more than one of the judges before whom the case had come to be triable. Such assaults upon courts are certain, even yet, to recoil on their authors, without other injury except to the cause of decency. As attempts, by intimidation, to impede or influence the course of justice, they deserve to be rebuked; as ebullitions of spite, and as abuses of the freedom of the press, they ought, perhaps, to be overlooked among the petty brui'es of progress.

I allude to the subject to bring it to the notice of your Honor, and to say that the impudence of these libelers has given to my espousal of this case a warmth which, but for their attacks, it would never have had; and to say further that, after my right to act as counsel had been thus called in question, I would have tried this cause had no fee or reward attended it beyond the consciousness and the satisfaction which every lawyer must feel when he proves that he has the courage and the virtue to maintain the rights of his client and himself against popular clamor, and despite the pens of libelers, whether they write from malice, or only for a railroad pass, or for hush-money, or blackmail.

In England a barrister, offered a retainer, who should refuse it or throw up the case for fear that obloquy might fall on him for doing his duty, would forfeit his prestige and standing as a member of the bar. If the retainer were against the Crown, and he should falter, he would be held in meaner estimation than if he refused to appear against the humblest peasant in all the realm. The memorable language of Lord Brougham, on the trial of Queen Caroline, was only a passionate outpouring of this chivalric sentiment.

In this country the *morale* of the profession, in this respect, has not yet reached the standard which has long been maintained in Westminster Hall; but I would hold myself unworthy a place on the rolls if, being asked to argue a case involving a great sum of money, the reputations of many and the interests of many more, and involving also grave questions of law, I should shrink from standing at the bar of the country and vindicating, as best

I could, the Constitution, the law and the right, even for an unpopular or hated client, because political opponents or slanderers might defame me for doing it. I give my gage that if the time shall ever come, politics or no politics, when I am afraid to brave such dangers—afraid to hew to the line of professional integrity and fidelity, let the chips fly where they may—I will confess myself unworthy to stand before a court, unworthy membership of the bar, unworthy the association of men who place truth and honor above the passionate discords, the groveling resentments, or the acclamations of the hour.

On the first of July the court directed the jury to render a verdict of \$594,002.89 in favor of the Company, to which the counsel for the defendant (the United States Attorney) then and there excepted. An appeal to the Supreme Court was soon taken, and the cause was argued at the October term. In rendering a decision, Mr. Justice Clifford wrote the opinion of the court to this effect: "Judgment reversed with costs, and the cause remanded, with directions to issue a new venire." Senator Conkling did not again appear in the case.

The Republican State Convention met at Utica September 23, 1874. In response to a resolution of the Convention, Senator Conkling made an address, from which we give the following extract. It is believed to be his only published utterance on the temperance question:

A somewhat active life, much of it passed in practicing law and attending courts, has made me a sorrowful witness of the



crime and misery caused by excess in intoxicating drinks. I know too well that intemperance fills the poor-houses and prisons and feeds the gibbets. Every rational effort to shut the door which leads to such destruction has my sympathy and respect. But an irrational effort, an effort worse than vain, an effort which must not only defeat itself, but defeat its object, never can be defended in any case. Governor Dix did not go as far as some of the advocates of total abstinence would have him go. This is the argument. Granted; and what does it prove? If it were possible now to elect a Governor who would go further, well might the friends of prohibition prefer him. But no such case exists. Governor Dix is to be chosen, or an administration is to come in with which free traffic in spirituous liquors and free drinking of ardent spirits will be a cardinal principle and a prime necessity. No man is so ignorant as not to know this, and the whole question is whether the friends of temperance shall make sure of a part or throw away the whole. Half a loaf is better than no bread, and a greater scandal could not fall on the cause of temperance than for its apostles to stab it by helping to open the dram-shops throughout the State, not for the sale of light beer, but of poisonous and maddening adulterations palmed off as spirits. A fanatical, unreasonable and dogmatic disposition has long been one of the specious charges against the advocates of temperance, and every thoughtful friend of temperance has reason to take heed now lest he become an engineer "hoist with his own petard." Zeal without wisdom is like faith without works. Party platforms, candidates and governments are never exact representatives of individual opinion. They but embody the average sentiment and judgment of associated hearts and minds. Flaws can be found in men and in all their works; and he is wisest who builds while the day lasts and with the materials he has.

At this Convention the Hon. John A. Dix was renominated for Governor, and the Hon. John C. Robinson for Lieutenant-Governor.

No space remains for any of Senator Conkling's speeches during this campaign. He delivered a



long address in Brooklyn, October 30, 1874. It contained his rebuke to the spirit of calumny which assails the character of public men. It is probable that many high-minded and able men shrink from public life owing to the constant abuse and wilful misrepresentation to which the leaders of political parties are subjected.

Few heed the command of God: "Thou shalt not speak evil of the ruler of thy people."

No prominent man has, during the last twenty years, suffered more than Roscoe Conkling by the unjust and often cowardly attacks of his enemies. Now that he has passed away without a stain upon either his public or professional character we may read with interest his views upon public slanderers. (See extract of this speech on page 389.)

A political revolution occurred November 2, and not only were the Republican candidates defeated in New York, but a Republican majority of almost a hundred in the House of Representatives was changed to a Democratic majority of seventy members. The record of the Republicans in the recent session of Congress was such that their party had, to some extent, lost public confidence. Moreover, disaffected Republican Senators had joined hands with Democrats in the House of Representatives to overthrow the work of Recon-

struction. In the State of New York Senator Conkling could not be held responsible for the Democratic victory.

Governor Dix was opposed to prohibition; and the liquor question being prominent in 1874, the third party polled a large Republican vote. Furthermore, the Democratic candidate, Samuel J. Tilden, was a very sagacious politician, and by a clever device he obtained many votes. He caused to be made a *fac-simile* of one of his letters and addressed copies of this to Democrats in every school district of the State, asking them to work for the ticket. Each man supposed he had received an autograph letter, and felt flattered accordingly. Mr. Samuel J. Tilden's plurality over John A. Dix was over 50,000.

1875.

## CHAPTER XXV.

SENATOR CONKLING AND GENERAL SHERIDAN—A FAMOUS PATENT SUIT.

ONE of Mr. Conkling's ablest speeches was in defence of General Sheridan, in January, 1875. Several disaffected Republicans in the Senate had united with the Democrats in assailing the Administration. In the city of New York a call for an indignation meeting was signed by Democrats and alleged Republicans. A mass meeting was held at Cooper Institute, and General Sheridan denounced upon the strength of a telegram from McEnery, the Democratic gubernatorial claimant in Louisiana. Among others, William M. Evarts spoke.

Insurgents in Louisiana had forcibly seized the General Assembly of that State and placed its organization in the hands of the minority. With the aid of General Sheridan's forces these interlopers were expelled from the legislative chamber by means of the civil authority of the State.

This act was denounced as a usurpation, not

only in Congress, but also at indignation meetings in New York and Boston; and the responsibility was laid on Grant's administration. It may be said that in the debate upon the Louisiana question Senator Conkling defended the Administration as successfully as on several previous occasions, and notably in the winter of 1871-72.\*

Senator Conkling reviewed the facts in the Louisiana matter January 28 and 29, and proved that the military only supported the civil power. This speech forms a chapter of recent history that should be read by every American student. Referring to this remarkable oration, the writer of an obituary in the *Daily Tribune*, of Salt Lake City, says :

\* \* \* In the field of his triumphs there were three occasions when, it seems to us, his superiority over his fellow-men shone out most conspicuously. The one was after General Sheridan had sent up his despatch from New Orleans saying that the bogus Legislature convened there were banditti, and asking for orders to establish order. Congress for days rang with anathemas against the soldier, and the Administration behind him. The ablest speakers of the opposition, one after another, vented their fury, and in more than one State Legislature resolutions were carried, in excitement and anger, condemning the General and the party in power, while the press of the opposition poured out its venom in a Niagara flood. At last Roscoe Conkling got the floor of the Senate and talked for three hours. There was never after that a speech on the other side, never another hostile reso-

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\* He was a constant visitor at the White House, and after a Cabinet meeting a messenger would often go to his apartments with the message, "The President's compliments to Senator Conkling, and he would like to see him at the White House this evening."

lution, and the fury of the press changed to simply a sullen whine. In our judgment, there never was a speech delivered by any other man that produced an effect so convincing, all-embracing and profound. It was a command of "About face!" to the nation.\* \* \*

The speech upon "The Nation and Louisiana" would fill sixty pages of this volume. The author prefers to omit entirely rather than mutilate it.

The following letter from the Hon. Timothy O. Howe, a Senator from Wisconsin, explains itself.

WASHINGTON, January 29, 1875.

*Dear Mrs. Conkling:* I think you will be glad to hear, and it gives me great satisfaction to declare, that Mr. Conkling has just concluded a speech which in my judgment has not its equal in the annals of the Senate.

There are those so loyal to the traditions of this body as not to concede that this speech is equal to our great model, Mr. Webster's reply to Hayne, but I cannot admit the exception. You may be very sure I do not claim an acquaintance with you which would authorize me to offer you any words of mere courtesy; but I am sure you would permit a stranger to declare to you so interesting a truth as I have stated above.

Believe me, very sincerely yours,

T. O. HOWE.

Mrs. ROSCOE CONKLING.

The following letter explains itself.

UTICA, N. Y., May 22, 1875.

*The Honorable Daniel Pratt, Frank Hiscock and others, Syracuse, N. Y.*

GENTLEMEN:—I am honored by your invitation to attend a banquet, to be given on the 28th inst., by the Onondaga Bar, to

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\* The other two occasions referred to in the first line of this article are the Chicago Convention of 1880 and the autumnal campaign of that year.

the Honorable Charles B. Sedgwick, on occasion of his retirement from our profession.

It would give me great pleasure to participate in the honors and regrets to be awarded in parting with one who has borne so distinguished a part in the toil and success of life. Few men have won more conspicuous triumphs, or earned more enviable reputation for eloquence, scholarship and ability at the bar, and, at the same time, in the general field of intellectual effort. His withdrawal from the profession from which so many able men in this region have already gone, will be widely and seriously felt, and must be the occasion of regret to bench, bar and suitors. And yet we cannot wonder at it. Long and arduous service has brought an inclination to rest, and also the right to rest, and his voluntary relinquishment of opportunities any lawyer might covet is of itself evidence of his wisdom and superiority. Many men show that they know how to begin and continue active exertion; few men have the art and sagacity seasonably and gracefully to retreat from the din of life, and betake themselves to the leisure and reflection of broader and more serene existence.

I need not assure you that my kindest wishes will go with Mr. Sedgwick and his family on the voyage they contemplate and abide with them in every land.

At the time chosen for the banquet, it is probable I shall be constrained to be elsewhere, and therefore I am compelled to deny myself the privilege of meeting my eminent brethren.

Cordially, your obedient servant,

ROSCOE CONKLING.

In the summer of 1875 Mr. Conkling made his first trip to Europe. It was a short tour, and most of his time was spent in England. Upon his return to New York he was encountered by reporters, who, as has been too often the practice, represented him as saying many things that he never said. The English press, taking these extracts as facts,



My dear Mother  
I received your letter of the 11th  
and was very glad to hear from  
you. I am well and hope this  
letter will find you the same.  
I have not much news to write  
at present. I am still at home  
and am not yet settled in my  
new situation. I am, however,  
very comfortable and am  
beginning to like my new  
home. I am also very glad to  
hear that you are all well.  
I am, dear Mother, your affectionate  
son, John Smith.

If action did not wait then who  
was responsible for the conduct  
but it could not be found of  
your front with a shadow that  
no act or force could break  
After down the Counciling

in the Senate, but in our view  
the present Executive Committee  
there was no reason to call  
with experience in Federal govt  
of an action.

difficult with him in many things  
to look in that thing in which  
the same common action, taking  
to understand for him the  
very highest respect regard.

Very truly yours

Wm. Johnson

Office of Secretary for

Justice

Philadelphia, July 3 1854.

My dear Sir,

My business again  
and then with your work. Your  
Dress Committee was very kind  
and very obliging. I had heard from  
them in our Committee, but

the first understanding from the  
in great power as a Union of men  
in obtaining in the Convention

National Convention at Chicago  
in 1850. I was not a supporter of  
that great candidate, but from

as candidate by the year and  
the year of the Convention  
terminating which that of

found myself unconsciously  
appearing from a very small  
as his most important thing





reviewed them and criticised them as his published opinions. The next evening he was given a serenade at the Fifth Avenue Hotel, and he spoke from the balcony to a large assemblage.

The first important patent suit which Senator Conkling argued in court was concerning the celebrated Remington rifle. Mrs. Elizabeth S. Roberts, the administratrix of General B. S. Roberts, deceased, through her counsel, Edward N. Dickerson, moved in August, 1875, for a preliminary injunction in the United States Circuit Court for the Southern District of New York. The motion was to prevent the firm of E. Remington & Sons from manufacturing their breech-loading rifle. Messrs. George Gifford and B. F. Thurston were associated with Senator Conkling as counsel for the defendants. The facts of the case may be thus briefly stated :

In 1859 General Roberts claimed to have invented a tapering chamber for a breech-loading gun-barrel. He had this invention embodied in a gun which was made for him at the works of the Remingtons, in Ilion ; and this gun was deposited in the Patent Office as the model upon which his patent was issued. General Roberts took service in the army for the Union and, during the war, did nothing with this invention. The Remingtons, who claimed to have made some sort of a contract with General Roberts about this invention, on their part also remained passive. After the war was over, the Remingtons began to make guns with a tapering chamber. General Roberts asked them to pay him a royalty upon such guns. The Remingtons, it appears, did not at that time deny infringement, but stated that the invention was

not a new one ; upon which General Roberts wrote the Remingtons that he should sue them for infringement. Instead of suing them, however, he sued Schuyler, Hartley & Graham, assuming that this firm were the agents of the Remingtons. That suit was decided in favor of the plaintiff, and an injunction was issued against Schuyler, Hartley & Graham. Then a new suit was brought against the Remingtons, and a motion for a preliminary injunction was made in that suit. The complainant (Roberts) claimed that the Remingtons were privy to and bound by the suit against Schuyler, Hartley & Graham. The Remingtons pleaded that they were not bound by the former suit ; that Schuyler, Hartley & Graham were not their agents, and that they (the Remingtons) were neither the real nor the nominal parties to the former suit. The Remingtons, moreover, as a separate defence, claimed, as they always have, that the Roberts invention was not a new one, and particularly that it was contained in a gun made by one Joslyn. The Remingtons also claimed: that their gun did not infringe the Roberts patent ; that infringement was not only not denied in the Schuyler, Hartley & Graham suit, but that the counsel for Schuyler, Hartley & Graham unnecessarily admitted infringement, so that that question had not been discussed. The questions, therefore, were the following :

1. Were the Remingtons bound as privies by the decree in the case against Schuyler, Hartley & Graham ?
2. Did the Remington gun infringe the Roberts patent ?
3. Was the Roberts patent anticipated in law by the Joslyn gun?

Senator Conkling won the case, the motion for injunction being denied by Blatchford, J. His argument in this case was printed in pamphlet form; and it is one of his few arguments in patent causes that are preserved. He had then been for ten years out of active practice of law. William C. Witter, of New York, who was then in the office of George Gifford (one of the counsel for the de-



fendant), on being asked by the biographer to make a digest of Mr. Conkling's argument, wrote the following in reply: "The whole argument is too good to be abbreviated for any purpose. I think it is a remarkable instance of a man by original capacity stepping right into a new line of controversy, mastering the subject, and making as complete, comprehensive and sound an argument as if it had been his life-business to argue patent causes."

Senator Conkling afterward addressed mass meetings at New York, Buffalo and Utica; and reports of his speeches were telegraphed to all parts of the State.

The election occurred November 2. The Democrats were successful, although the (Governor Tilden's) majority of 50,000 in the preceding year was reduced to 12,000. The bad weather in the country districts prevented the casting of a full vote, but the Republicans carried both houses of the Legislature.

In the autumn of 1875 many Republican journals, throughout the State of New York, named Senator Conkling as a candidate for the Presidency. His nomination and defeat at the Cincinnati Convention of 1876 will be described in the next chapter.

1876.

## CHAPTER XXVI.

THE STATE CONVENTION AT SYRACUSE—THE CINCINNATI CONVENTION—THE HAYES-TILDEN CAMPAIGN  
—LIFE IN WASHINGTON.

THE first session of the Forty-fourth Congress was the longest which had been held in the history of the Government. For the first time since the war the House of Representatives had a Democratic majority. In their endeavors to make a record for economy, Democrats reduced the estimates of the heads of the several departments, and delayed the appropriation bills so that Congress did not adjourn till August 15.

Senator Conkling was regarded as the man who should succeed to General Grant. At this period, however, the Democratic House of Representatives impeached a member of the Cabinet. Mr. Conkling quickly foresaw the influence of this action upon his political prospects, and signified his wish not to be a candidate at the approaching Republican National Convention. He yielded, however, to the importunate solicitations

of his personal friends. Almost immediately the press of the whole country began to discuss his nomination as a Presidential candidate. The newspaper cuttings upon this subject fill two large scrap-books.

At the first public meeting of the Utica Conkling Club, March 2, 1876, Dr. William H. Watson made the following brief but just remarks on the character and public career of Roscoe Conkling.

DR. WATSON'S ADDRESS.

*Mr. President and Gentlemen of the Utica Conkling Club:* The notice of this meeting is addressed to "those who are in favor of the nomination and election of Roscoe Conkling to the high office of President of the United States." I am proud, sir, to be permitted to be enrolled among that number. I have watched his career with admiration for upward of twenty years, and there are those within the sound of my voice who have enjoyed a still earlier acquaintance with him than myself. They have seen him coming to this city at the early age of seventeen, a stripling in years, but even then a man in intellect, to commence the study of the law in the office of that then famous advocate, whose peerless reputation is still fresh and green in the memory of most of us—Joshua A. Spencer. \* \* \* We have seen him in the memorable campaign of 1872, contesting every inch of ground from Lake Erie to Montauk Point, and finally leading the Republican party to overwhelming victory. We have seen him declining to wear the judicial ermine as Chief-Justice of the Supreme Court of the United States, refusing the proffered position of Minister to the Court of England, and the high office of Secretary of State, that he might continue to fight the battles of the Republican party. We behold him now, sir, in the full maturity and the plenitude of his powers, with a most commanding presence and a robust physique, fortified and preserved by a life of temperance, possessing the eloquence of a Choate, combined with the personal

magnetism of Henry Clay and the massive strength and skilled logic of Daniel Webster, standing in the forefront of the Senate Chamber of the United States, the acknowledged leader of a great party, its most sturdy champion and its ablest and most uncompromising defender. \* \* \*

The battle-field of the approaching contest will be the Empire State, and the electoral vote will be of paramount importance in the campaign. With Roscoe Conkling as our standard-bearer, the vote of New York cannot fail to be given to the Republican party.

We have a right to consider him as in the hands of his friends; and as such we should see to it that a delegation is sent to the National Convention from this State fully instructed to sustain him against any and all rivals.

During this session Mr. Conkling was prominent in the debates. He was opposed to all legislation for increasing the coinage of silver, and was very active against the Bland silver act. He introduced a trade-mark bill, which became a law. It provided that the owner of a trade-mark, if he made affidavit that any other person was fraudulently using labels or devices containing copies of his trade-mark, could procure the arrest and indictment of the accused person; and the guilty person was made liable to imprisonment for a term not exceeding five years. Mr. Conkling also favored the measure to conduct the geographical surveys west of the one hundredth meridian.

In answer to the attack made by the New York *Mercury* of March 12, 1876, upon Senators Conkling and Logan, the former said :

These institutions of ours were builded only recently. Their foundations were laid not in the gray twilight of an early age, but when the beams of many centuries lighted the builders; the architects were picked men from different nationalities, and they profoundly studied governments in all their known forms; the theatre whereon the experiment has been working is favored above all other lands. If such a government, blest in opportunity, the one considerable experiment of free government extant on the globe has, indeed, at the end of a century culminated in a saturnalia of fraud, in a carnival of venality and unworthiness; it is time to ask who shall come next in the march of nations to dispute the divinity of kings? Which nation shall brave the danger of rearing a government of the people, by the people and for the people, if in truth it be that in the last half of the nineteenth century the only such government on earth is honeycombed with venality, fraud, betrayal, bribery, infamy? Truth and patriotism rise up against such monstrous misrepresentations, and truth and patriotism will prevail against them.

No, sir. Individuals may flinch under these inflictions, but I console myself in the belief, of which I see many signs, that the discerning judgment which resides in great masses of men will winnow the wheat from the chaff, and the chaff from the wheat, and distinguish between those who fall, or have fallen, before temptation, and those who, making no parade of public or private virtue, but walking by the lights and the modicum of integrity vouchsafed to common mortals, strive in heart and conscience to do the duties set before them. My belief is that it grows surer and safer than it was not long ago, for every man to trust his reputation to the general discernment, the conscience and intelligence, of his countrymen.

Senator Conkling was now the undisputed leader and champion of the Republicans of the Empire State. He had won distinction for his support of the Administration. When, therefore, the State Convention was held at Syracuse, March 22, 1876,

to appoint delegates to the National Convention, the platform, after approving of the acts of the President, nominated Roscoe Conkling as the choice of the Republicans of New York.

The following are the last three resolutions.

4.—We emphatically condemn the dishonesty and treachery of every official who is faithless to his trust, and approve the injunction to let no guilty man, however high, escape. We believe the virtue of the people, which saved the nation through the storm of war, will preserve it from the dangers of corruption. We commend the good work of the National Administration in protecting the public treasury and punishing public offenders; and in laying down his trust at the close of the period for which he had been chosen, President Grant will carry with him the lasting gratitude of the American people for his patriotic services in war and in peace.

5.—As a statesman and patriot of the highest ability and character, whose long and distinguished public career is without reproach, who has faithfully served the cause of freedom and the Union through the great struggle of the past fifteen years, who has been steadfast to equal rights and financial honesty, and the unflinching exponent of Republican principles, and who possesses the experience, capacity, courage and firmness which qualify him to give strength and honor to the Government, *we present Roscoe Conkling to the National Republican Convention as our choice for the nomination for President.*

6.—As the delegated representatives of the half-million Republican voters of New York, we send cordial greeting to our patriotic brethren throughout the land, and, equally earnest with them for the success of our common cause, and pledging ourselves to faithful support of the Cincinnati nominations, *we give especial assurance that the nomination of our candidate will secure, beyond question, the thirty-five electoral votes of New York for the Republican ticket.*

An amendment declaring “that the nomination should be the result of the untrammelled delib-



eration of the National Convention," was offered and lost by a vote of 113 yeas to 250 nays. A slight trace of this opposition appeared afterward at the Cincinnati Convention.

During the month of March Senator Conkling advised that, in the event of his failure to receive the nomination, the votes of the New York delegation should be given to Rutherford B. Hayes, of Ohio.

Mr. Conkling was the only Republican Senator from the Empire State, and he was destined to share the fate of New York politicians, excepting Martin Van Buren, from the beginning of the republic. It seemed to have been "written in the stars." Perhaps among our sister States jealousy of the great Commonwealth forbade the honor of this nomination to be given to a citizen of New York.

The Republican National Convention met at Cincinnati on the fourteenth of June. New York was represented by seventy delegates, and an equal number of alternates. The delegation stayed at the Grand Hotel, and displayed in the street a banner bearing this inscription: "Roscoe Conkling's Nomination assures the Thirty-five Electoral Votes of New York." It was more imposing than the banners of the delegates from any other State.

## The Delegates and Alternates at Large were :

|                                 |                            |
|---------------------------------|----------------------------|
| Alonzo B. Cornell, New York.    | Edwin A. Merritt, Potsdam. |
| Henry Highland Garnett, Ithaca. |                            |
| Theodore M. Pomeroy, Auburn.    | George B. Sloan, Oswego.   |
| James M. Matthews, Buffalo.     | Albert C. Judson, Albany.  |

## Among the other delegates were :

|                       |                      |
|-----------------------|----------------------|
| I. Bradford Prince.   | Edwin D. Morgan.     |
| Abiel A. Low.         | Marshall O. Roberts. |
| Stewart L. Woodford.  | George Opdyke.       |
| Benjamin D. Silliman. | Nathan D. Wendell.   |
| James Otis.           | Edward M. Madden.    |
| William Orton.        | Stephen Sanford.     |
| Benjamin K. Phelps.   | Charles M. Dennison. |
| John D. Lawson.       | John C. Churchill.   |
| Clarence A. Seward.   | George N. Crouse.    |
| Rufus B. Cowing.      | Frank Hiscock.       |
| Isaac H. Bailey.      | Edmund L. Pitts.     |
| Salem H. Wales.       | Thomas C. Platt.     |
| Leslie W. Russell.    | Philip Becker.       |
| Isaac Dayton.         | Sherman S. Rogers.   |
| Pierre C. Van Wyck.   |                      |

The Convention was called to order by ex-Governor Edwin D. Morgan, of New York, chairman of the Republican National Committee. After delivering the opening address, Mr. Morgan nominated the Hon. Theodore M. Pomeroy, of New York, to be the temporary presiding officer. The latter gentleman spoke at some length, and reviewed the history of the party.

When the roll of members of the Convention had been called, the secretary read the names of the persons composing the different Committees.

The New York members of the four Committees were as follows:

On Credentials, Thomas C. Platt; on Rules and Order of Business, Walter L. Sessions; on Resolutions, Charles E. Smith; and on Permanent Organization, William Orton.

When the last-named Committee reported, the Hon. Edward McPherson, of Pennsylvania, was chosen as President, the Hon. Marshall O. Roberts was named as the Vice-President, and the Hon. James W. Husted was selected as the Secretary from the State of New York. On the second day the platform was adopted, after which ex-Lieutenant-Governor Stewart L. Woodford presented the name of ROSCOE CONKLING. He said :

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION :

In obedience to the injunction of our State Convention, with the thoughtful and absolute endorsement of our deliberate reflection and conviction, and with the earnest enthusiasm that his fidelity in friendship, his private worth and his public services demand, New York presents for the Presidency of the republic the honored name of Roscoe Conkling. Broad in culture, eloquent in debate, wise in council, fearless in leadership, and as true to the old Republican party as the needle to the pole—Roscoe Conkling needs no defence or eulogy. He is a positive quantity in our politics. He, through the dark and trying hours when slander and misrepresentation hissed at the silent and brave man whom we have twice placed in the Presidential chair, was the faithful and true friend of Ulysses S. Grant. In presenting his name New York fully recognizes and cordially honors all the names that have been presented upon this platform to-day. When Connecticut suggested the candidacy of Marshall Jewell, we recalled the

energy, economy and executive ability that have marked and adorned his admirable administration of postal affairs. When Indiana presented the name of her great War Governor, our hearts went back to that dark hour when organized rebellion seized on the Legislature of Indiana, and when Oliver P. Morton strangled that treason and won as great a victory in the council as our best and bravest soldier won in the field.

When Kentucky—birthplace of Abraham Lincoln—Kentucky, where sleep the ashes of Harry Clay—when Kentucky named the great Secretary, she sought to name one to whom New York gives her heartiest love and highest honor. You and I remember how all the animosities of partisanship died when we learned that the great commoner of Maine was stricken, and the awful silence which fell upon us as we feared approaching death had settled over him. From every heart there rose most earnest prayers—from opponent as well as supporter, when faithful friends and loving wife were waiting by his side—that the God of all life would spare James G. Blaine; and to-day, with the most loving of his friends, New York congratulates him that his strength is renewed and his health so fully restored.

But, gentlemen, let us not nominate with our hearts, but with our heads. Four years ago we gave to General Grant, and that grand old patriot, John A. Dix, 50,000 majority in the State of New York. Two years ago that same State gave 53,000 majority to Samuel J. Tilden. Only this last spring the State of Connecticut, right on the eve of the Presidential battle, gave 5,000 Democratic majority. Only the other day, as we were gathering for this Convention, the wires whispered across the continent that Oregon had gone Democratic. To-day, Indiana has a Democratic Governor; to-day, New Jersey has a Democratic Governor; to-day, Connecticut has a Democratic Governor; to-day, New York has a Democratic Governor; and unless you can secure the votes of Indiana, Ohio, Connecticut and New York, or, failing one, the votes of all the rest, in spite of all our enthusiasm, in spite of all our zeal, we may follow the banner of our party to defeat. I do not claim that Roscoe Conkling is the only Republican who can carry the State of New York. I believe that *he* can. If I did not so believe, I would cut this hand off before I would stand in a

Republican convention and plead for his nomination. Mark this, and it is in all soberness of judgment, there is in New York a vote that is neither Republican nor yet Democratic ; a vote that went for Dix in 1872 ; a vote that went for Tilden in 1874.

Gentlemen of the Convention, I pray you, this hour, let all personal ambition, let all pride, be put aside. Remember what Democratic victory means. It means destruction of the national credit. It means madness in all legislation touching finances and the tariff. It means that all through the South-land white Republicans must put padlocks on their lips, while black Republicans will be hunted like the sheep before the hounds.

Gentlemen of the Convention, not for Roscoe Conkling, not for New York, but for the ideas of the Republican party; for the cause—for the cause that we followed, some of us, through fields of battle; in the name of those who died; in the name of the loyal men to whom we would give protection through all the land; in the name of all the interests of humanity that in this Centennial time are committed to the Republican party, I plead that you to-day give us a candidate with whom and under whom we can achieve, not personal ambition, but a victory that means honesty in finance, loyalty in government, and absolute protection to the lowliest and humblest under the flag of our fathers.

The other candidates were, MARSHALL JEWELL, of Connecticut, nominated by the Hon. S. W. Kellogg ; OLIVER P. MORTON, of Indiana, nominated by R. W. Thompson and seconded by the Hon. P. B. S. Pinchback ; BENJAMIN H. BRISTOW, of Kentucky, nominated by John M. Harlan and seconded by Luke P. Poland, George William Curtis and Richard H. Dana ; JAMES G. BLAINE, of Maine, nominated by Robert G. Ingersoll, and seconded by Henry M. Turner and William P. Frye ; RUTHERFORD B. HAYES, of Ohio, nominated by Governor

Edward F. Noyes and seconded by Benjamin F. Wade, Augustus St. Gem and J. W. Davis ; JOHN F. HARTRANFT, of Pennsylvania, nominated by Lin Bartholomew.

The Convention then adjourned.

On the morning of the third day the balloting for President began. The result of the first ballot was:

Blaine, 285; Morton, 124; Bristow, 113; Conkling, 99; Hayes, 61; Hartranft, 58; Jewell, 11; Wheeler, 3.

All of the New York delegates, with the exception of Mr. George William Curtis, voted for Roscoe Conkling. The votes received by Mr. Conkling from other States were as follows: California, one; Florida, three; Georgia, eight; Iowa, Michigan, Mississippi, Missouri and Nevada, one each; North Carolina, seven; Texas and Virginia, three each.

The second ballot resulted thus:

Blaine, 296; Morton, 120; Bristow, 114; Conkling, 93; Hayes, 64; Hartranft, 63; Wheeler, 3; Washburne (E. B.), 1.

It will be seen that Mr. Conkling lost six votes, chiefly from Florida and North Carolina. There was no change in the New York delegation. A contest now arose over that famous fire-brand of Republican Conventions, the unit rule. After a long debate, during which the decision of the Chair was appealed from and sustained, the motion to



count the States as "units" was defeated, and the Chair declared that "as the judgment of this Convention, it is the right of every individual member to vote according to his individual sentiments."

On the third ballot, the roll was called, with the following result:

Blaine, 293; Bristow, 121; Morton, 113; Conkling, 90; Hartranft, 68; Hayes, 67; Wheeler, 2; Washburne, 1.

Here Mr. Conkling lost three votes, but there was no change in the New York delegation.

The Convention then proceeded with the fourth ballot which resulted as follows:

Blaine, 292; Bristow, 126; Morton, 108; Conkling, 84; Hartranft, 71; Hayes, 68; Wheeler, 2; Washburne, 3.

It will be noticed that Mr. Conkling lost six votes, all from Southern States. There was one bolter in the New York delegation, Mr. A. A. Low, who voted for Mr. Bristow.

No choice having been made, the secretary called the roll of States for the fifth time, with the following result:

Blaine, 286; Bristow, 114; Hayes, 104; Morton, 95; Conkling, 82; Hartranft, 69; Wheeler, 2; Washburne, 3.

On this ballot 755 votes were cast, one not voting. Necessary to a choice, 378. Mr. Conkling had lost two votes from the Florida delegates. There was no change in the vote of New York.

When Alabama was called on the sixth ballot, Mr. Madden, of New York, who had always been one of Mr. Conkling's warmest supporters, moved to take a recess to the end that the delegations could retire to consult. He was, however, ruled out of order on the ground that the roll-call had been commenced.

The result of the sixth ballot was as follows:

Blaine, 308; Hayes, 113; Bristow, 111; Morton, 85; \*Conkling, 81; Hartranft, 50; Washburne, 4; Wheeler, 2.

The voting of the New York delegates was the same as on the fourth and fifth ballots.

Soon after the roll-call on the seventh and last ballot was begun, a member of the Indiana delegation set in motion the stampede to Governor Hayes. Of the thirty delegates; twenty-five voted for this candidate. Delegates from Kentucky, New York and Pennsylvania followed, and the result was announced as follows:

Blaine, 351; Bristow, 21; Hayes, 384.

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\* Concerning the reasons why Senator Conkling received so few votes outside of the New York delegation, it may be attributed to the fact that he was then comparatively unknown. He had never spoken in the Western States. In fact, there is up to that time no record of any stump-speech of his beyond the limits of New York, Pennsylvania and New Jersey. Furthermore, his opposition to the noted inflation measure of 1874, and to the steamboat bill of 1873, created unfavorable feeling in the West against him. One of the delegates to the Convention has informed the author that had Senator Conkling made himself personally known to the masses outside his own State he could have received the nomination for President.

When New York was called, Theodore M. Pomeroy ascended the platform and said:

To indicate that the State of New York is in favor of unity and victory, she casts sixty-one votes for Rutherford B. Hayes, and nine for James G. Blaine.

The gentlemen who voted for Mr. Blaine were William H. Robertson, James W. Husted, Jacob Worth, John H. Ketcham, Jacob W. Hoysradt, James M. Marvin, Stephen Sanford, Amos V. Smiley and James C. Feeter.

The President then declared that Rutherford B. Hayes, having received the majority of all the votes, had been chosen as the candidate of the Convention. His nomination was at once made unanimous. The selection of a candidate for Vice-President was now in order. William A. Wheeler and Stewart L. Woodford, of New York, Marshall Jewell and Joseph R. Hawley, of Connecticut, and Frederick T. Frelinghuysen, of New Jersey, were named for the position. When the State of New York was called by the secretary, Mr. Woodford withdrew, and before the call was completed William A. Wheeler was nominated by acclamation on the first ballot. The seventy delegates of New York supported Mr. Wheeler. Members of the Republican National Committee were then appointed, Alonzo B. Cornell being selected

for the Empire State. The Convention thereupon adjourned.

Apropos of Mr. Conkling's possible nomination, Samuel Wilkeson prepared, in the spring of 1876, a partial sketch of his life, which the biographer has used very advantageously. His letter explains itself:

No. 23 Fifth Avenue,      }  
NEW YORK, June 20, 1876. }

*My Dear Conkling:* The future MAY call for a campaign life of you. At that uncertain date I may be an angel in heaven, clumsily but devoutly thrumming a guitar, harp, or harpsichord. The manuscript I send you herewith may be useful as a plan of work.

The difficulty your campaign biographer will have to encounter is the *enormousness* of the material your life and labors have made for him. This will COMPEL the use of your parliamentary and political speeches—in *excerpts*—strung on a string like gold beads. They cannot be handled in any other way.

Your work at the bar should be treated after your Congressional and political work, but differently and fuller.

Had not Pennsylvania been unmanageable, and the result been what I hoped for, I should have run up to Utica and talked with your wife, and there have rewritten the opening sketch wholly.

Affectionately Yours,

SAM'L. WILKESON.

P. S.—It is a pity that the Fates did not make me finish this work. S. W.

Soon afterward Mr. Hayes wrote the following letter to Mr. Conkling:

[*Private.*]

COLUMBUS, O., 15th August, 1876.

*My Dear Sir:* Our campaign in the States of Ohio and Indiana is now opened, and we are anxious to have you take part in it at

as early a day as you may be able to do so. New York can decide the election in our favor, if Indiana is carried against us in October. But to carry Indiana at the State election is, no doubt, a long step towards victory in New York.

Besides, your speeches in the West will attract great attention. They will be published, and strengthen us in all parts of the United States. Your great speech in 1872\* aroused and equipped our speakers, and furnished the press with arguments in every State. Your presence here will impart to our canvass life and enthusiasm, and insure that energetic effort which brings out a full vote and commands success. The more meetings you can address, the better, but if you speak only in two or three large cities in each of the States named, and at Chicago, and at Milwaukee, I shall feel that you have placed the country and all of us under very great obligations. Sincerely your friend,

R. B. HAYES.

Hon. ROSCOE CONKLING.

During the early part of September a Hayes and Wheeler banner was raised in Utica. At the close of the proceedings the assembled Republicans marched to the house of Mr. Conkling and tendered him a serenade. In response to the compliment he made the following address:

Could I do so, fellow-citizens, I would take by the hand every man in this concourse and thank him heartily for the kindness of this serenade. When I heard the approach of the band I said, This is not right. I ought rather to compliment you in this way. This serenade is more due from me to you than from you to me. But you have come to bid me welcome, after almost a year of absence, and I appreciate gratefully this visit. This is not the time and place for a partisan discourse. You do not expect or wish me to detain you upon such questions. I may say, how-

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\* July 23, 1872, in behalf of Grant, at Cooper Institute, in the city of New York.

ever, that the condition of the country is such as to demand the careful thought of every patriot. Business is suffering; industry is depressed; labor does not receive adequate remuneration; the times are hard; in several of the States disorder and disquiet reign. In the presence of such facts it is the bounden duty of every man to labor earnestly for the truth, and so to vote and act as to advance what he believes to be right. As usual two great parties are arrayed against each other, asking the privilege of conducting the affairs of the nation. Of these two parties, I believe the better, the safer, to be the Republican party. [Applause.] I have so believed since 1856, and, gentlemen, in the presence of my neighbors or elsewhere, now or at any other time, I have no apology to make, none whatever, because for twenty years I have belonged to the Republican organization, and have labored steadfastly for its principles and candidates. [Applause.] It seems, in some quarters, to be regarded as rather disreputable to belong to the Republican party and to have battled for its maintenance. We are told the Republican party is a machine. Yes. A government is a machine; a church is a machine; an army is a machine; an order of Masons is a machine; the common-school system of the State of New York is a machine; a political party is a machine.

Every organization which binds men together for a common purpose is a machine. If its purposes are not honest, it should be hewn down and cast into the fire. But if its purposes are loyal and patriotic; if its aims are justice, civilization, progress, then it is a useful machine, and it ought to be preserved for the good that is in it. [Applause.] Therefore, I believe the Republican party to embody the better feelings of the community. Despite the knaves, hypocrites and pretenders, it is in the main right. I am willing and glad to confess, in the presence of all these witnesses, that, having belonged to it and believed in it through all these years, never have I been more of a Republican than to-night. [Applause.] In the canvass about to begin, I know you will do your duty. I will try to do mine. [Applause and cries of "Good!"] I hope that when the election is over we may meet to rejoice in the triumph of Republican principles and Republican candidates one and all. But, as I said before, I did not appear to make a



speech, but to thank you for this compliment. Returning again my thanks, and hoping that every good thing may be yours, I bid you again good-night.

Senator Conkling then remarked to a friend that he would make four speeches in the campaign. The first of these was delivered at Utica, October 3, and was widely commented upon throughout the State.

Owing to illness, he was unable to speak again. He spent seven weeks in a dark room, when he was unjustly accused of indifference to the result. He was too proud a man to make an explanation, and no friend of his, without his consent, ever dared explain anything for him.

The following letter from his family physician describes the condition of his health.

UTICA, March 24, 1889.

HON. ALFRED R. CONKLING.

*Dear Sir :* In reply to your favor of the 20th instant making inquiry in reference to the health of Mr. Conkling in the autumn of 1876, I would state that he was under my professional care during September, October and November of that year, and was suffering from malaria to such an extent that he was unable actively to engage in the political campaign.

He made a short speech at his house in response to a serenade on September 6, and, against my most earnest remonstrance, insisted upon speaking at the Opera House in this city on the evening of October 3. At that time his eyes were excessively sensitive to light, and he was suffering from great prostration from the influence of the malarial infection.

I accompanied him to the hall, and had the greatest misgivings in regard to his ability to finish his speech. He was obliged to

steady himself while speaking by resting his hand upon a table, and the footlights were turned down in order that they might not cause pain to his eyes.

After that date, yielding most reluctantly to my advice, he did not again attempt to speak during that campaign

Very sincerely yours,

WILLIAM H. WATSON.

A friend has lately told the biographer that during this illness of the Senator he himself suggested once that it might prove fatal. To this Mr. Conkling, setting his teeth, answered: "N—o—I am *not* going to die."

At the election in November, Governor Tilden carried the State by about 33,000 majority. The Democratic candidates (Tilden and Hendricks) were also victorious in the States of Indiana, Connecticut and New Jersey.

Soon afterward Senator Conkling remarked to a relative that if he had made a trip through the State and set all his friends to work in the several counties New York might have been carried by the Republicans. We may here remind the reader that the Democratic plurality in the preceding year (1875) had been only 12,000.

The unsatisfactory canvass of the vote of the States of Louisiana, South Carolina and Florida led Mr. Conkling to look up precedents in which the elections had been doubtful, or where the election had been made by the House of Representa-

tives. The author, while examining the volumes of the *Congressional Globe* and *Record* in Senator Conkling's library, observed many pencil marks, showing that he had made a thorough study of the precedents in cases of disputed elections. The knowledge thus acquired was of much use to him in the preparation of his great speech upon the Electoral Commission, which will be discussed in our next chapter.

While in Washington Senator Conkling was ceaselessly importuned by applicants for official appointment. A typical experience with one of these may now be described. In the winter of 1876, the author, being in Washington, called one evening upon Mr. Conkling at his lodgings, adjoining Wormley's Hotel. Presently his colored man brought up a visitor's card. "William," said he, "what kind of looking man is this?" "Wall, sah, he's a kind er clean un," was the reply. "Then show him up," said the Senator. The gentleman entered with an arm full of letters of introduction and recommendation, several of which were signed by the "boys." First, explaining that his "business had all gone to pieces," the visitor next stated that he was an applicant for a position in the New York Custom-House. He fumbled with his pile of papers for a particular letter, and apologized to the Senator for keeping him in sus-

pense. Mr. Conkling, controlling his naturally nervous spirit, betrayed no signs of impatience. Finding the desired document, the visitor handed it to him. Mr. Conkling carefully read the paper and, returning it to his guest, said, in substance :

“Colonel, you won’t like to hear what I am about to tell you. A few years ago the New York *Tribune* stated that the Custom-House at New York was *my* Custom-House. I then resolved to keep a list of the applicants for places in that institution. They numbered in a twelvemonth no less than 475. My secretary grew weary of keeping tally and gave it up. I have long since made a resolution to ask for no more appointments in the customs service; and I know you would not request me to do what I have so often refused to do for others.”

In reply the visitor said, “Mr. Senator, you have no objection to my showing these letters to our Republican friends?”

“None at all, sir,” answered Mr. Conkling, whereupon the “Colonel” rose, and Mr. Conkling bade him good-night.

In Green’s *Short History of the English People* is a description of William Pitt. It might almost be applied to Senator Conkling. It is as follows:

His noble figure, his flashing eye, his majestic voice, the fire and grandeur of his eloquence, gave him a sway over the House of Commons far greater than any other Minister has possessed. He could silence an opponent with a look of scorn, or hush the whole House with a single word. But he never stooped to the arts by which men form a political party. \* \* \*

Senator Conkling's impressive personality oftentimes afforded topics for the reporters. For many years it seemed that whenever the correspondents of leading newspapers were without material for their regular letters they discussed Mr. Conkling. The biographer has frequently read minute descriptions of his dress, from the color of his necktie to the number of buttons upon his gaiters. His attitude and movements on the floor of the Senate were also delineated. Indeed, he generally attracted more attention from the occupants of the reporters' gallery than any other Senator.

From the years 1871 to 1881, almost the first question asked by strangers entering the gallery of the Senate was, "Which is Conkling?" and an announcement that this Senator was to address his associates in a set speech always attracted a large audience.

JANUARY—AUGUST, 1877.

CHAPTER XXVII.

THE ELECTORAL COUNT—SPEECH ON THE ELECTORAL  
COMMISSION—SECOND TRIP TO EUROPE.

THE noted Electoral Commission bill formed the chief topic for discussion in the second session of the Forty-fourth Congress.

Mr. Conkling introduced, January 4, 1877, a petition of merchants and bankers, and spoke thus:

I have been requested to present a petition, weighty by reason of the subject to which it relates, and by reason also of the number and character of those who sign it. The petitioners are citizens of New York, distinguished not only for their prominence as members of society, but for the large and varied interests they represent. They are men prominent in each of the great political parties of the country.

I observe among the signatures names of eminent bankers, merchants, manufacturers, ship-owners, scholars, professional men, and other names long and honorably associated with leading enterprises and industries. It would be difficult to select in any State of the Union one hundred and fifty individuals and firms who represent a greater sum of property, intelligence and character, or who, as petitioners, deserve more consideration.

\* \* \* \* \*

The petition is brief, and I will read it:

*"To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:*

*"Your memorialists, representing a large proportion of financial and commercial interests of the city of New York, beg leave most respectfully to express their great satisfaction at the action of your honorable bodies*



in appointing committees of conference to consider the proper mode of counting ballots for President and Vice-President of the United States.

"They hail this action as an indication that the two Houses of Congress are desirous of settling this complicated question in a spirit of moderation and conciliation, and they beg leave to represent that, in acting thus, your honorable bodies have the cordial sympathy of the great mass of the American people, irrespective of party.

"Your memorialists most respectfully, but most earnestly, pray that all mere party considerations may be thrown aside, and that in this crisis in the history of the United States the pure and unselfish patriotism which inspired the founders of the Republic may guide your legislative action, and that you may thus relieve the country from its present uncertainty and apprehensions by a prompt determination of the mode in which the pending momentous issue shall be decided.

"And your memorialists will ever pray," etc.

The signatures are too many to read. In laying this petition before the Senate, it may not be amiss to add an avowal of my sympathy with its appeal for orderly, lawful and patriotic action. In executing the Constitution in any instance, and especially in an instance so grave as the one referred to, partisan feeling as a guide and rule of action can rightfully have no place. Obedience to law, the observance of the Constitution, and the maintenance of truth is not a party question or proceeding; it is beyond party and above party. Parties may contend—and I believe it wholesome in a free government that parties should contend—over measures and candidates. But when the contest has been submitted to the ballot-box, the final arbitrament of popular contests known in our system, the only duty, the only lawful proceeding, connected with it which remains is to find the honest, true result, to declare it, bow to it and stand by it. That is the duty of the hour.

It rests on the two Houses of Congress, it rests on the nation, it rests on every citizen of the republic. That it will be done, and done peacefully, decently and in order, these petitioners do not, I think, disbelieve. They, in common with all men, may derive confidence from the fact that interest and expediency not less than patriotism and honor point in one direction and teach one lesson. Whoever stands on right and truth will not fall; whoever attempts to stand on wrong and falsehood will be overthrown.

I move the reference of the petition to the select Committee. to which it appropriately belongs.

We come now to a very important subject, *i. e.*, Senator Conkling's part in the preparation of the Electoral Commission bill. On motion of Senator Edmunds a committee had been appointed to consider the subject, and the bill was the joint work of many Senators and Representatives of both political parties. To use the language of one of them—"Mr. Conkling contributed his full share of most useful suggestions and phrases."

Some obituary writers upon Mr. Conkling have said that the Electoral Commission was this Senator's own creation. This is not strictly true. Mr. Conkling led the debate in the Senate upon this measure, and made the chief argument for it in a speech of two days' duration. It was an effort brilliant enough to have adorned the record of the greatest American statesman. Since the restoration of the Union no more weighty measure than that to establish the Electoral Commission has occupied the attention of Congress.

If this bill had not been enacted, the Presidential election of 1876 would, perhaps, have been settled by a resort to arms, or even by the overthrow of the republican form of government. Never was the restored Union in such peril as when Mr. Conkling so earnestly advocated the method by which the disputed vote of 1876 could be safely and honorably counted.

Great excitement prevailed throughout the country, and conspicuous Democratic partisans uttered ominous threats of a resort to violence, if necessary, to force Mr. Tilden upon the nation as its President. Men prominent in the late Rebellion, notably in Kentucky and South Carolina, announced their readiness to march on Washington with armed mobs of thousands of men.

The struggle would not have been sectional, like the Civil War, but the conflict would have been waged in every town of the North. Roscoe Conkling did all in his power to avert this terrible danger from the nation, and that instance of his constructive genius is a perfect answer to those who would question his fidelity.

In a sketch of Mr. Conkling, published in the *New York Herald*, the following reference to the Electoral Commission is made:

One of the greatest services he has rendered to his country was in the very prominent share he had in framing the act of Congress for an Electoral Commission in 1876. On this occasion Mr. Conkling's habit of close and thorough study of the country's history made him not only the best informed, but the only thoroughly informed, man on all the phases of the very delicate and difficult question which was to be settled peaceably, and therefore with the consent of reasonable men of both parties. He found many of the foremost men of his own and of the other party the prey of extreme partisan views, which might, if insisted on, have plunged the country into turmoil, and it was owing not only largely, but mainly, to his indefatigable labors, to his thorough and accurate knowledge of the history of the question and of all

the precedents, and to the persuasive and commanding force of the magnificent speech he delivered in the Senate, that the success of the Electoral Commission bill was due. No living statesman has rendered a greater or more important service to the people of this country than he did on this occasion.

In his recollections of President Grant, Mr. George W. Childs, after describing a conference of Republican Senators with a leading Democratic Congressman at the White House concerning the proposed Electoral Commission, thus refers to Senator Conkling:

He [General Grant] sent for Mr. Conkling and said, with deep earnestness: "This matter is a serious one, and the people feel it very deeply. I think this Electoral Commission ought to be appointed." Mr. Conkling answered: "Mr. President, Senator Morton (who was then the acknowledged leader of the Senate) is opposed to it and opposed to your efforts; but if you wish the Commission carried I can do it." He said: "I wish it done." Mr. Conkling took hold of the matter and put it through. The leading Democrat I have spoken of took the initiative in the House and Mr. Conkling in the Senate. \* \* \*

It should be stated that the Iron President soon afterward resorted to unusual precautionary measures to see that his lawful successor was duly inaugurated.

Inasmuch as this subject is of paramount importance, we venture to give another quotation.

Referring to the Electoral Commission act, Messrs. Cooper and Fenton, in *American Politics*, page 230, state :

The leaders on the part of the Republicans in these conferences were Conkling, Edmunds and Frelinghuysen; on the part of the Democrats, Bayard, Gordon, Randall and Hewitt, the latter a member of the House and Chairman of the Democratic National Committee.

The Electoral Commission act, the basis of agreement, was supported by Conkling in a speech of great power; and of all men engaged in this great work, he was at the time most suspected by the Republicans, who feared that his admitted dislike to Hayes would cause him to favor a bill which would secure the return of Tilden, and as both of the gentlemen were New Yorkers, there was, for several days, grave fear of a combination between the two. The result showed the injustice done, and convinced theretofore doubting Republicans that Conkling, even as a partisan, was faithful and far-seeing.

According to Section two of the bill "to provide for and regulate the counting of the votes for President and Vice-President," each House was to appoint five of its members, who, with five Associate Justices of the Supreme Court of the United States, should constitute a commission for the decision of all questions concerning the certificates of the electoral votes. It had been the intention of the Committee in the Republican caucus to nominate Mr. Conkling as a member of the Electoral Commission, but he declined to serve, and accordingly Mr. F. T. Frelinghuysen was chosen.

Senator Conkling's noted speech, to which we have referred, was delivered January 23 and 24, 1877. It was published in pamphlet form, and

covers forty-eight closely printed pages. The gist of the speech may be thus given :

The introductory part is devoted to an examination of the Constitution, and leads to the conclusion that the power to count the electoral votes is lodged in the two Houses of Congress. Relying upon Section eight, Article one, he maintained that Congress had power to prescribe the method of ascertaining the result. He then proceeded to combat the proposition that the power to count the votes was vested in the President of the Senate. By numerous precedents he sustained his position that in one or another mode of proceeding the votes for President and Vice-President had been counted by the two Houses from the organization of the Government.

In the course of his argument he had occasion to deal with the doctrine of *necessity* under which some one had sought refuge. He denounced it as "the arch fiend and foe of Government, the prolific mother and apology of anarchy, revolution, despotism and fraud ever since human government began."

From first to last Mr. Conkling declared that the electoral bill was not a compromise, but a constitutional method to settle differences between the two Houses and between the two great parties of the country. He maintained, however, that the



two Houses could act upon the report of the Commission affirmatively or negatively ; or, by declining to act, the report of the Commission would itself establish the result.

Senator Conkling was in poor health during the entire winter of 1876-1877. Upon the conclusion of his remarks he walked to the cloak-room, where he staggered and fell upon a sofa. He had overtaxed his strength, and was utterly exhausted. Senator Stewart, of Nevada, came to him at once, and with the aid of two porters he was carried down stairs and taken in a carriage to his rooms at the Arlington Hotel. In spite of his protests, Mr. Stewart sent for a physician. Mr. Conkling, although always ready to recommend doctors to others, was unwilling to employ them with himself. When he reached the hotel his limbs were found to be cold, whereupon he was at once rubbed with spirits, and quinia administered. He soon rallied, and seemed for the first time to realize that he had been in a precarious condition. Senator Stewart then called attention to the fact that he himself had insisted on calling a physician, notwithstanding Mr. Conkling's objections. The latter jocosely replied, "O Stewart, you are a terrible tyrant!"

Referring to the debate in the Senate concerning the bill to establish the Electoral Commission, Ben. Perley Poore in his *Reminiscences* says :

There was an especial desire to hear Senator Conkling, \* \* \* and the galleries were crowded with noted men and women, diplomats, politicians, soldiers and journalists from all sections of the republic.

Mr. Conkling took the floor late in the afternoon. Tall, well-proportioned, with his vest opening down to the waist and displaying his full chest and broad shoulders to the best advantage, his hair tossed back from his massive brow with studied carelessness, his white and slender hands set off by spotless linen, he looked every inch a Senator. Before him on his desk were his notes, daintily inscribed on gilt-edged, cream-tinted paper ; but he did not refer to them, having committed his remarks so thoroughly that many believed them to have been extemporaneous. His speech was pronounced by good judges as the greatest specimen of the "art which conceals art" that has ever been delivered in this country. With apparent candor, good-nature and disinterested statesmanship, he adroitly stated his side of the case, reviewing what had been done at previous Presidential elections, and showing that he had given the subject careful study.

This speech was really his greatest effort. These words are used advisedly. It was a habit of the Senator's carping critics for many years to say scoffingly : "Conkling is about to make 'the greatest effort of his life.'" Upon the announcement of the vote the day following the national election in November, he had foreseen that the result would be disputed. He predicted that the question of the exact method of counting the votes for President would arise when the electors met at the coming session of Congress ; and, accordingly, he spent many days in his library looking up the history of the subject.

Having delivered the speech upon "The Constitution and Presidential Elections," Senator Conkling caused thousands of copies to be printed and transmitted to those writing for it. Among the many letters which he received from all parts of the Union, we print several to show how well Mr. Conkling met the approval of the American people.

LEXINGTON, KENTUCKY, January 25, 1877.

Hon. ROSCOE CONKLING.

The newspaper reports, imperfect as they are, of your admirable speech on the "Compromise Bill" have convinced us of its ability and the patriotic motives which prompted it, and have created the desire to see it in full. We would respectfully request you to send us copies, or indicate how they can be obtained.

Being young men, and differing from you politically, most of us members of the Tilden and Hendricks Club of this city, we are free to express our high esteem of your unpartisan position, and of the integrity and talent which have rendered it conspicuous.

Very truly,

C. F. CARR and twenty others.

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LOUISVILLE, KY., January 25, 1877.

Hon. ROSCOE CONKLING, Washington, D. C.

*Dear Sir:* Will you oblige me very much by sending me a copy of your speech, delivered within the last few days in the Senate, on the "Electoral Compromise Bill"?

I am a Democrat and voted for Tilden, but I am in favor—unreservedly—of the man chosen according to that bill, whoever it may be, and, in common with many of both parties here, heartily endorse your action and speech.

Very resp't'y,

E. T. HALSEY.

CHAMPAIGN, ILLINOIS, January 30, 1877.

Hon. ROSCOE CONKLING, Washington, D. C.

*Dear Sir:* Will you favor me with a few copies of your great speech on the so-called "Compromise Bill." Allow me to congratulate you on your success. It was a truly noble effort—you reflected the sentiments of a great majority of the American people, and your earnest efforts to secure a peaceful solution of the Presidential difficulty will be appreciated by them.

Yours very respectfully,

ARTHUR P. JACKSON.

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NEW HAVEN, CONN., January 26, 1877.

*Sir:* I trust it may be excusable for the writer, a humble member of the Republican party, though a stranger to yourself, to express his sense of gratification and admiration after reading your eloquent and convincing argument in favor of the bill just passed in the Senate, for counting the electoral vote, by a majority which is itself a striking evidence of the potent influence of the effort. Combined with a masterly array and arrangement of facts, and close and irresistible logic, there is throughout a lofty and elegant style (entirely worthy of the great occasion) *which will render this speech, years hence, a delightful study as an unique revelation and example of the plasticity and power of the English tongue as a medium of expression in the hands of a master;* while I venture to predict, sir, that to yourself it will remain, as a patriot and statesman, a proud souvenir of a great service rendered to your country in an hour of doubt and danger.

With great respect, your obedient servant,

WILBUR F. DAY.

Hon. ROSCOE CONKLING, Washington.

The following letter was written two years later :

NEWPORT, R. I., August 23, 1879.

MY DEAR MR. CONKLING :

Accept my thanks for your most able speech on counting the votes for President, so thorough in research, so clear in statement.

The Nicholas amendment I had not seen ; the result of my own study had already been written exclusively from contemporary sources, and you cheer me on to hope that you will find my narrative on the subject, if I live to present it to you, just and true in every particular.

Again expressing thanks, not formal, but in truth and reality,  
I remain, very truly yours,

GEO. BANCROFT.

The vote in the Senate on the bill to create the Electoral Commission was forty-seven ayes and seventeen noes. Of the affirmative votes, twenty-one were Republican and twenty-six Democratic; and of the noes, sixteen were Republicans and one a Democrat. In the House, which was largely Democratic, this measure was passed by a vote of 191 to 86.

As to the expediency of this enactment, it is not too much to say that ninety-five out of every hundred men then believed that this act, or some similar measure, was the only alternative of civil war. There was much discussion as to whether the Electoral Commission act was within the provisions of the Constitution.

The Republicans in Congress, when voting for this bill, knew that it might give the Presidency to Mr. Tilden. On the other hand, if it had been decided that the President of the Senate should not only count the votes, but announce the result without appeal, then it would be solely in his

power to decide that the Republican party had elected the President. Senator Conkling was opposed to the latter method of procedure. This peaceful method of settling the disputed election of 1876 led interested observers in foreign countries to affirm that the result was a greater triumph for our republican form of government than had been witnessed in the subjugation of the rebellious States.

During Mr. Conkling's last illness prominent members of the Democratic party asserted that he did not believe that Mr. Hayes had been *elected* President. It may be stated before dismissing this subject that Mr. Conkling felt that *neither* Mr. Tilden nor Mr. Hayes should be inaugurated. His views, as a matter of inference from his remarks, may be thus stated :

"There are charges of fraud made by each political party against the other; and there is some evidence in support of these charges. As a *Republican*, I prefer that the doubtful title should be given to the Democrats."

Near the end of the session Mr. Conkling offered in the Senate a petition signed by 610 citizens of New York, chiefly women, asking for a sixteenth amendment prohibiting the several States from disfranchising citizens of the United States on account of sex.



President Grant, a few days before his retirement from the White House, remarked to a friend of the biographer that he had appointed very few persons to office upon Mr. Conkling's recommendation, and he had never regretted the appointment of any of them.

After the inauguration of Mr. Hayes, the special session of the Senate was of short duration. The name of Thomas C. Platt had been discussed for the place of Postmaster-General, but William M. Evarts, who was not then in harmony with the leaders of the party organization, was made Secretary of State, precluding the appointment of another member from New York.

In reply to a recent telegram from many citizens of Utica thanking him for his part in calming "the commotions of a continent," Senator Conkling wrote the following letter:

UNITED STATES SENATE CHAMBER, }  
WASHINGTON, March 13, 1877. }

*Gentlemen:* During the hurried, weary hours of almost continuous recent sessions of the Senate, and of committees day and night, among the many letters and telegrams received from friends and strangers alike far and near, was a dispatch from "Home," signed by you and by toward 150 other citizens of Oneida County. I beg of you to receive an apology for this belated acknowledgment. You say you "exult in the choice of a President whose title cannot be challenged," and because commotion is hushed; and you add some kind words, approving the small part I had in the solution of the Electoral problem.

That serious and lasting harm threatened the well-being of the nation; and its standing before the world, probably no intelligent person, fully aware of the facts, doubts. The danger is now safely overpassed. Justly weighed, little credit is due to those who wrought in sincerity to avert general danger and harm, because they did only their duty, a duty plain to them, and no man deserves special praise for not failing in his duty. Besides, credit is not apt to fall in large measure to those by whom harm is turned away before it comes, because then the harm is never actually felt and realized, and the vague apprehension of it soon vanishes.

Both these considerations serve to add value to the wholly unexpected chorus of friendly voices which came to me from many places, when fears of a disputed succession, a headless government, or the installment of two alleged Presidents were all allayed.

Pleasant as the utterances were, and all the more pleasant, perhaps, because undeserved, none could speak like the neighbors and friends of thirty years. To these neighbors and friends my grateful attachment is always due and always deeply felt, and I beg you to receive, and, as far as may be, to convey to all who joined in the generous telegram, the assurance of my thorough, hearty appreciation.

Uniting with you in the earnest hope that wisdom will now give our country repose, and the people of every section will enjoy undisturbed the opportunity to devote themselves to their own affairs, and to restore the industries, enterprises and business interests which have suffered so long and so much,

I remain, your friend,

ROSCOE CONKLING.

TO WILLIAM H. WATSON, M. D., DANIEL BATCHELOR, W. H. GILMORE, JONATHAN JONES, Esqs. and others, Utica, N. Y.

In order to enjoy a much-needed vacation, Senator Conkling sailed from the city of New York for Europe June 16, 1877. It was his second trip to the Old World. A party of friends had chartered the steamboat *John H. Starin*, and at the foot of

West Twenty-fourth Street Mr. Conkling was taken on board and transferred to the steamer *Mosel*, at her dock in Hoboken. During the sail across the Hudson a collation was served and short speeches were made. In response to the compliment, Senator Conkling spoke briefly.

Had your purpose been [said he] to add to my regret at leaving these shores, and to the pangs of this parting, you could hardly have chosen a more effective method. Your unexpected presence and your exceeding kindness makes it harder to say good-bye even for a brief season. Nevertheless it gives me great gratification, and will be treasured with grateful remembrance wherever I may wander and whatever skies bend above. No matter what scenes surround me, or where my feet may tend, my thoughts will constantly revisit the friends I leave behind. [Applause.] And, gentleman, one of the most pleasant among the incidents which I anticipate in my journey abroad, will be to thank the English people for England's reception of General Grant. [Great and long-continued applause.]

I see that you, as Americans, will bear me out if I say that no occurrence in recent times has done so much to warm the breast of the people of America as the warm, generous and spontaneous tributes paid by England to the hero and patriot who enjoys such primacy in the hearts, the confidence and the affection of the American people. [Applause.] It is consoling to know that the great English-speaking people of the British Isles understand that the American people have not forgotten the principles, the measures and the men that in peace preserved and in war rescued that nationality which they will pardon us if we regard as the greatest nationality on earth.

When Mr. Conkling came back from Europe, on August 10, the greeting which he received was most hearty. Perhaps no statesman returning

to his native land after a brief sojourn abroad was ever met with a warmer reception. Among those who welcomed him at his return were several staunch adherents of Mr. Hayes's policy, and this was considered a significant sign of the times.

As the steamer *Neckar*, on which the Senator was a passenger, entered the harbor, the steamboat *Thomas Collyer*, gayly decked with bunting, came alongside. The friends of Mr. Conkling gave him three cheers, and the band played the national airs of Germany and the United States. On arriving at the quarantine station the band played "Home Again" while the officers were performing the routine duties. Senator Conkling stood on the bridge, and bowed repeatedly to the enthusiastic group. During the voyage he became very friendly with the captain of the vessel, and the latter afterward sent word "that he was patiently waiting to see Mr. Conkling President."

When the *Neckar* reached her pier, citizens of New Jersey and New York vied with each other in greeting the returning statesman. Mr. Conkling was escorted by them to the Fifth Avenue Hotel. The same evening he made an extended reply to an address of welcome by the Hon. Isaac H. Bailey. His eloquent response was largely descriptive of the contrast between the cramped condition of the Old World and the freedom of

the New; and he was often interrupted with applause. Two days later he left the city for Utica. At Albany a reception was tendered him. After being introduced by the Hon. Rufus W. Peckham, he made a short speech. Leaving in the afternoon train, he was welcomed at Schenectady by a large crowd of citizens, and greeted by a salute of fifty guns. He spoke briefly from the platform of the car, thanking his friends for the honor. On arriving at Utica in the evening a hearty and generous reception awaited him.

The following circular and letter explain themselves :

UTICA, N. Y., August 7, 1877.

*Dear Sir:* It is expected that Senator Conkling will reach New York City, on his return from Europe, on the 11th, and Utica on the evening of the 14th, inst., and as there seems to be a general desire among our citizens, without distinction of party, to give him a cordial welcome home, a general committee, composed of the gentlemen above named,\* has been formed to make suitable preparations for that purpose.

You are respectfully invited to be present and take part in the proceedings of the Committee, a meeting of which will be held at Bagg's Hotel, on Friday, August 10, at 7:30 P. M.

Yours Respectfully,

LEWIS LAWRENCE, *Chairman.*

*To the Hon. Roscoe Conkling :*

We, the signers, take this method to convey to you our hearty congratulations on your safe arrival home in improved health and strength. The services you have rendered to the republic,

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\* A list of forty prominent citizens headed this circular.

and especially your grand efforts in the Senate of the United States to accomplish a peaceful settlement of the vexed Presidential question at a time when civil conflict was feared, have placed you in the forefront of American statesmen.

The nation owes you a debt of gratitude for your conspicuous action on that memorable occasion. Be assured, honored sir, that history will fully record the great wisdom of your words and work.

It has been well said that "a danger averted is a danger not wholly known."

Recent sad events in our land have made it very plain what great danger we passed when the "Electoral Commission bill" became a law. We welcome you home to the heart of New York. We welcome you as neighbors, and we pray that, whatever station you adorn, the choicest blessings of heaven may attend you.

This address was signed by 325 citizens. Additional lists of signatures from other towns in Oneida County were sent to him. These names numbered over 500.

Daniel Batchelor, who acted as manager, wrote the following letter:

HOPPER STREET, August 14, 1877.

*Dear Mr. Conkling.*

This is an eleventh-hour affair. Had there been more time and more deliberation, the lists would have been five times larger than they now are.

Faithfully yours,

DANIEL BATCHELOR.

P. S.—The lists are not all in yet.

The committee of arrangements met Mr. Conkling on the train at Little Falls. On leaving the station at Utica he was escorted to his house by the Utica Citizens Corps and the Committee. The



streets through which the procession passed were illuminated, and fireworks were displayed at many points. The lawn in front of his residence was tastefully decorated with Chinese lanterns and lighted with locomotive lamps. Ex-Senator Francis Kernan in a brief address warmly welcomed Mr. Conkling home. He responded with an appropriate speech, which was received with enthusiasm.

SEPTEMBER—DECEMBER, 1877.

## CHAPTER XXVIII.

THE STATE CONVENTION AT ROCHESTER — PRESIDENT  
HAYES AND THE NEW YORK CUSTOM-HOUSE.

THE Senator's next public appearance was at the State Convention in September. Early that autumn, while Senator Conkling was driving in the suburbs of Utica he met a farmer riding on a load of hay. The farmer called to him and (referring to a particular opponent) said, "Look here, Senator, I am told you are going to the State Convention. If you don't flay that little fellow alive, we'll be very much disappointed with you."

The Convention met at Rochester, September 26. It was called to order by Alonzo B. Cornell, the chairman of the State Committee. The Hon. Thomas C. Platt, representative in Congress from the Tioga district, was made temporary chairman. He spoke briefly, and criticised the President and his Cabinet. He also made a complimentary reference to General Grant, which provoked long and significant cheers. Senator Conkling was appointed chairman of the Committee on Resolutions, and

drafted the platform excepting the preamble and the sections which related strictly to State affairs.

The Committee on Permanent Organization reported in favor of Mr. Conkling for president of the Convention. He was not in the hall at the moment, but upon his arrival he thanked the Convention for the honor, and then moved to substitute for his own the name of Mr. Platt. The storm then burst forth. The supporters of Mr. Hayes violently assailed Mr. Platt for criticising the Administration.

The friends of Mr. Conkling were subjected to a severe test. Mr. Platt's speech had been acrimonious against Mr. Hayes and his followers. Upon roll-call, however, out of 421 votes the yeas were 311 and the nays 110, thus showing that the friends of Senator Conkling were very largely in the majority.

After the reading of the resolutions George William Curtis offered an amendment to the effect that "the lawful title of Rutherford B. Hayes to the Presidency is as clear and perfect as that of George Washington," and commending the course which he pursued. He spoke at some length in support of his amendment, after which a recess until evening was taken. Senator Conkling then delivered in reply perhaps the severest speech ever made by him in a State Convention. At the close,

a rising vote on the amendment was taken, and the yeas were 109 and the nays 295. Mr. Curtis's proposition was thus rejected by a vote of nearly three to one. The resolutions were adopted without dissent and State officers were then nominated.

The following is the full and correct text of Senator Conkling's speech at Rochester :

It was a woman, a thoughtful woman, who said she always noticed that if she did not die in February, she lived all through the year. I have noticed that when the Republican party makes no mistake in convention it is apt to go safely through a canvass. When a convention is wise we always proceed with credit, usually with success. Let us make no mistake to-day. Let us stand for the integrity of Republican principles, and for the unity of Republicans. This is not an Administration Convention, nor an anti-Administration Convention. We are not representatives of an Administration party, nor of an anti-Administration party. We are Republicans. We represent a great party. That party has a battle to fight just now in every county, district and town, and our duty is to Republicans and to their candidates in every locality and school district in the State. Administrations do not make parties. Parties make Administrations. Parties go before Administrations, and live after them. The people make parties. The people made the Republican party, and the people have upheld it in a career of usefulness and achievement such as no other party in history can boast. One of the resolutions asserts that it has an uncompleted mission. Yes, it has an exalted mission. If it be true to itself and equal to that mission, it will stand in grandeur and in power when the pique and pretensions and rivalries of to-day are remembered with pity or forgotten utterly. Let the Republican party be but true to its principles and it cannot then be false to any man.

This is a State Convention. Its business is to nominate candidates for State officers, and to declare the principles on which these candidates shall stand and act if they are chosen. Its

business is not to hinder, but to help, by the wisdom and harmony of its action, every candidate, not only in the State at large, but upon all tickets which are to run in all counties, towns and localities throughout the State.

The national Administration is not a candidate or in question here. Who has the right to say that it wishes to influence our proceedings or to disturb our harmony? If any man has authority to speak for it and to bring its views or wishes here, he knows it; and when we know him, we shall know whose delegate and representative he is. I will not assume that any man has been entrusted to introduce matters foreign to our duties and calculated to foment discord among those of the same household of faith. I repel the idea that the national Administration suggests or sanctions any such proceeding. He who volunteers for such a purpose may be found wanting in the discretion of friendship, if not in its sincerity also. It has been said that other State conventions have sometimes expressed opinions about national affairs, including specific acts of national officials. They have frequently done so, no doubt. County and town conventions have done the same thing. National conventions have sometimes expressed opinions about State concerns, and even about affairs of cities. Nobody can deny the right of each convention to decide for itself what it shall say and what it will not say. Every convention which has said one thing, or omitted or refused to say another, has so decided for itself; and did any one ever before hear this right or propriety challenged? Many State conventions before this have decided to say nothing about particular topics prominent at the time; many State conventions have omitted to refer even to the State officers, whose action had been widely discussed. Silence in regard to men and things not requiring the vote and action of the Convention has been not only common, but usual, in cases of divided opinion, and in cases of untimely attempts to make issues and obtain committals touching occurrences already past and fixed, or upon affairs not far enough advanced to afford ground for ultimate and safe judgment. To speak plainly, there are special reasons, just now, inviting the Convention to adhere calmly and firmly to its own sense of propriety and wisdom. The Republicans of this State have been

summoned for weeks, with somewhat of menace and truculent dictation, to declare this and declare that, and broad hints have been given of retribution if they dare even to remain silent.' The Marshal of France has just attempted to degrade and punish a Frenchman for uttering his sentiments. Perhaps he has succeeded, but Americans, it seems, are now to be chastised for holding their peace. NOT YET. Exotic despotism, revised and improved, will not grow in American soil. It will perish. It would be trodden out, if it did not die out. Who are these oracular censors so busy of late in brandishing the rod over me and every other Republican in this State? Some man has said, "I am of age in the Republican party." So am I. For the last twenty-two years I have labored for it and stood by its flag; and never in twenty-two years have I been false to its principles, its cause, or its candidates. Who are these men who, in newspapers and elsewhere, are cracking their whips over Republicans and playing school-master to the Republican party and its conscience and convictions? They are of various sorts and conditions. Some of them are the X \* \* \* the dilettanti and carpet knights of politics men whose efforts have been expended in denouncing and ridiculing and accusing honest men who, in storm and in sun, in war and peace, have clung to the Republican flag and defended it against those who have tried to trail and trample it in the dust. Some of them are men who, when they could work themselves into conventions, have attempted to belittle and befoul Republican administrations and to parade their own thin veneering of superior purity. Some of them are men who, by insisting that it is corrupt and bad for men in office to take part in politics, are striving now to prove that the Republican party has been unclean and vicious all its life, and that the last campaign was venal and wrong and fraudulent, not in some of the States, but in all the States, North and South. For it is no secret that in all States office-holders, in committees, in organizations and everywhere, did all that men could fairly do to uphold the candidates of our party, and that they were encouraged and urged to do so. Some of these worthies masquerade as reformers. Their vocation and ministry is to lament the sins of other people. Their stock in trade is rancid, canting self-righteousness. They are wolves in

X man - milliner,



sheep's clothing. Their real object is office and plunder. When Dr. Johnson defined patriotism as the last refuge of a scoundrel, he was unconscious of the then undeveloped capabilities and uses of the word "Reform." Yet long before Johnson lived something was known of a class of men who take the name of "reform" in vain.

A wise man wrote Christian precepts in China 500 years before Mary's son walked beneath the bending palms of Palestine. And this sage teacher warned his followers, with unerring point, against the very impostures and perversions which these days find employed to daze and bewilder the American people. Some of those now laying down new and strange tenets for Republicans, sat but yesterday in Democratic Conventions, some have sought nominations at the hands of Democrats in recent years, and some, with the zeal of neophytes and bitterness of apostates, have done more than self-respecting Democrats would do to vilify and slander their Government and their countrymen. Grant, and all who stood by that upright, fearless magistrate, have been objects of the bitter, truthless aspersions of these men. And now, opposed or laggard in the battles of the past, they leap forward to the feast. They forget that parties are not built up by deportment, or by ladies' magazines, or gush. It used to be said of certain Democrats in Massachusetts that they wanted, by their obnoxious officiousness, to keep the party in that State as small as they could in order to make the stockholders as few and the dividends as large as possible. I hope these new-fledged dictators are not aiming at the same thing in New York. The grasshoppers in the corner of a fence, even without a newspaper to be heard in, sometimes make more noise than the flocks and herds that graze upon a thousand hills. A Chinese war of noises has been set up and kept up in the State and beyond the State to drive this Convention and its members to contend and divide over certain dogmas, but it is for the Convention to say what its judgment and sense of propriety indicate as suitable and wise. An important election is at hand—important in counties and in Assembly districts—and we are told that we must not keep within our sphere of duty, but must find bones of contention to carry schism and discord down into every locality, to distract and weak-

en our party everywhere. The wisdom of these somewhat peremptory directions is the question before us.

The propriety of denouncing and carping at administrative acts on very small occasion has not been without advocates. This doctrine, as sometimes maintained, I believe to be unjust to public officials. It seems to me public officers are entitled to presumptions in their favor, and ought never to be condemned until they and their acts have been fairly tried, and then only on clear evidence.

For extreme license in criticism of administrations and of everybody connected with them, broad arguments can no doubt be found. Many might be found in the files of the journal made famous by the pencil of Nast. But a convention may not deem itself a chartered libertine of oracular and pedantic conceits. It may not believe that theories and antagonisms and resentments constitute the duty of the hour. It may believe that men who are agreed in all essentials of their faith and of their work, when they are acting for a great organization, should be willing to forego non-essentials for the good of the cause. It may believe—I hope this Convention does believe—that no Republican should seek to wound and wrong another by compelling him to surrender his convictions in matters of individual belief. If so much toleration could not be accorded, party action would be abortive. Were this Convention agreed about any matter fit to commend to the public, and thought it wise to present it, there could, of course, be no objection to so doing. Is that the case with the subjects imported by the pending amendment? I ask this of you who have heard this debate and the tone and manner sometimes assumed. Could anything more fully reveal a deep and abiding conflict of judgment? We find a wide difference of understanding as to what has in reality been, and what is to be, the action and position of the national authorities, then we find a wide difference of opinion as to the right and wisdom of particular proceedings. Is one part of the Convention to coerce the other part to surrender its judgment and its conscience, or are we to present the spectacle of a convention agreed about everything before it, but splitting and quarreling over matters not falling within the scope of its duties, and all this that the soothsayers and phrase-

mongers may have their way? There seems huge anxiety to ply the Republicans of this State with catechisms and test-oaths, and to place them in false positions. We read a great deal and hear a great deal of rumors of wars to be waged, and crusades to be preached, and vengeance to be wreaked. What is the meaning of all this? Why Republicans of New York should be thought predisposed to find fault with Mr. Hayes passes my comprehension. They nominated him, they gave him more votes for his nomination than any other State did or could give him. Without them he could never have become the candidate. These votes came mostly from men who felt "bound in honor and bound in morals" truthfully to represent the constituency which had trusted them. Even the member from Richmond was, I believe, in the end prevailed upon, after much difficulty, to confer his unique and delicate vote also. The Republicans of New York made one of the most faithful and arduous canvasses ever made for the success of a ticket, and under needless and perplexing embarrassments they gave it an unexampled vote. The Republicans of the delegation in Congress from New York, with few exceptions, heartily supported the measure without which Mr. Hayes would never have been effectually inaugurated, a measure of which one in great authority said, as reported in the *New York Times*: "And now, looking back after my observation and experience of men and things in Washington during the progress of the count, by the instrumentality of that commission I am thoroughly persuaded that its creation and organization and action saved us from anarchy, confusion and civil war. I believe its adoption was a dictate of wisdom and patriotism." These are the words of Mr. Stanley Matthews, and his close and influential relationships give special importance to all he says. Mr. Matthews might have added another thing about the Electoral Commission. He might have said that its decision, and the fact that a tribunal with judicial powers did decide, is the one chief ground on which the title to the Presidency is now upheld and defended. During the only session which has occurred since the fourth of March—a session of the Senate—if opposition was made to any measure of the Administration, that opposition did not come from New York. Surely no Republican in this State has made war on the present

Administration to my knowledge. What, then, is the meaning and purpose of constantly, from the first, accusing Republicans of this State of unfriendly bias toward the President?

It cannot be denied that wanton assaults have been made on Republicans and kept up by newspapers, supposed to be inspired by the advisers and champions of the President. It cannot be denied that other assaults and acts of hostility are constantly occurring, which it is hard to reconcile with the wish of their authors to preserve the Republican party. It is equally hard to reconcile much that we witness, with consistency and fairness. If the Convention will pardon a personal allusion, I will illustrate this in my own case, though other cases are not less marked. We hear unmeasured denunciation of men holding office taking part in political campaigns. Last year I was an office-holder, as I am this year. Prostrate health and malarial disease, contracted in Washington, disabled me for months. It was out of the question to undertake the labors of the canvass. But contrary to the positive injunctions of my physician, I attempted to address my neighbors on the issues of the day, and the attempt gave sufficient caution against its repetition. Because I did not and could not do more, I, an office-holder, have been bitterly denounced far and wide to this day, and by the same men who now insist that every man in office, who even signs a notice of a convention, shall be degraded and removed, so flagrant is it deemed, of a sudden, for office-holders to take any part in the work of the Republican party.

But let me illustrate the apparent determination to assail and create disturbance among Republicans. Since the spring session of the Senate no occasion has existed, none has been given by me, to the new-found party overseers to administer correction. About half the time I have been absent from the country, in the hope of eradicating some troublesome remains of fever. When in the country I have been always pressingly occupied by matters of business, accumulated during protracted illness and absences from home; politics have not engaged me; no utterance hostile to men or measures has proceeded from me. Not a straw has been laid in the way of any man, or of his ambition or schemes. But still I have been the subject of persistent assault and misrepresentation, coming, it so happens, from those claiming to speak specially

for the national Administration. On returning home, a few words of greeting could not be spoken to neighbors and personal friends of both parties without drawing down bitter and scornful denunciation for not making a political speech indorsing the policy of the Administration. These anxious and super-serviceable charioteers seem determined to know nothing but the President and his policy and them crucified. To say a word of things at home or abroad has been treated as a crime. To say nothing at all has been to be reproached and vilified constantly. Appeals, public and private, have been addressed to my neighbors begging them not to send me to this Convention, and these appeals stated the no doubt unauthorized pretence that my selection would not be agreeable to the national authorities. The meaning of all this is not obscured by the fact that the new President has been surrounded and courted by men who have long purred about every new Administration, some of them for more years than many of you have lived. Some of these disinterested patriots and reformers have been since the days of Pierce the friends and suitors of all administrations and betrayers of all. The assaults they incite are somewhat annoying, and my nature is one less inclined to meekness and long-suffering than it should be.

It would have been a luxury to unfrock some of the men and some of the purposes engaged in this work, but it has seemed to me the duty of every sincere Republican, especially of one so deeply indebted as I to the Republican party, to endure a great deal rather than say or do anything tending to introduce division or controversy into the party ranks. For this reason not a word of reply has escaped me. In time it may be thought just, as well in this case as in others hardly less marked, to call off the dogs.

For one, I deeply regret all these things. In so far as they are personal and aimed at individuals, they are of little consequence; in so far as they are acts of those who heretofore deserted and betrayed the Republican party, and are now striving to make it subserve their personal advancement, they need not be wondered at. But their tendency is hurtful, and cannot be misunderstood nor entirely ignored. I am not for making these things the subject of action here. I am for the peace and prosperity of this country, and of all its people in every section and in



every State. I am for everything tending to that end. One thing which does tend to that end is the ascendancy of the Republican party. I am therefore for the unity of Republicans and the integrity of their principles. I am for one thing more, and that is the success of the national Administration—its success in everything that is just and wise and real, according to the Constitution and the law, and the common sense, and interest of the nation. The future will test the sincerity of all concerned in this respect.

Mr. Hayes, when inaugurated, deserved from the party which supported him just what Mr. Lincoln and General Grant deserved at the outset of their Administrations. What is that? Fair, friendly, dispassionate consideration of his acts. Whenever he is right, he should be sustained; whenever he is misled by unwise or sinister advice, at the proper time and in the proper spirit dissent should be expressed. This right of judgment is the right of every citizen. It is a right which, in common with others, I exercised personally and in the seats in which I have been honored in the national councils, under the Administrations both of Mr. Lincoln and of General Grant. Neither of them ever objected to this. Both were thankful to any man who in good faith stated reasons corrective of their action. They never deemed an honest difference of opinion cause for war or quarrel, nor were they afflicted by having men long around them engaged in setting on newspapers to hound every man who was not officious or abject in fulsomely bepraising them. They sometimes made mistakes too, and they manfully corrected them and retraced false steps in presence of the whole people more than once. Who has the right to suppose that Mr. Hayes will, in these respects, differ from his illustrious predecessor? Whenever any member of this Convention is called upon to sit in judgment on any matter, he must for himself, and on his own conscience and reason, pronounce upon it.

The matters suggested by the pending amendment are not pertinent to this day's duties, and obviously they are matters of difference. They may promote personal and selfish aims, but they are hostile to concord and good understanding between Republicans at a time when they should all be united everywhere, in purpose and action. Let us agree to put contentions aside and complete our task. Let us declare the purposes and methods



which should guide the government of our great State. On this platform let us place upright, capable men, and then let us appeal to the people to decide whether such men shall conduct their affairs on such principles, or whether they would rather trust spurious reformers under the lead and dominion of our political opponents.

One or two other topics have been brought to your notice, of which something might well be said.

An eloquent gentleman from Chemung, who, if I mistake not, agreed to the report of the Committee, has since told us something which, without offence to him, I must regard as perhaps the wildest flight of logic heard in the debate. He fears that we shall discourage turbulent spirits in the South from abstaining from violence by seeming to distrust them. These violent disturbers of the past, he fears, will have their feelings hurt by knowing that the Republicans of New York are waiting hopefully, but fearingly, to see whether they really mean hereafter to abide in the paths of peace. The law-breakers, who have defiled the communities in which they live by acts which affright humanity, may or may not belong to the "conquering element" referred to by the gentleman from Broome. The "conquering element" was first introduced into the vocabulary of Republican Conventions by the member from Richmond, as he was reported last year at Saratoga. He there presented himself as belonging to a "conquering element" in the party, and declared that no man should be placed in nomination except by the approbation of this newly-announced upper class of Republicans. Had I been a delegate, curiosity would have led me to inquire how, in a body of peers where all men have the rights of equals, met to confer in a common business, it could be that any coterie was of right superior to the rest. It would be instructive to know whether an order of nobility or gentry exists in our party, and whence come the patents which confer ascendant prerogatives.

The gentleman from Chemung, returning to him, seemed to fear that discouragement in well-doing and hurt feelings would come from any distrust we might evince in the yet unproved sincerity of the recent exuberant professions of men who have heretofore stained their hands in political contests with the blood of the poor, the defenceless and the ignorant.

Not being a prophet or the son of a prophet, I am still willing to hazard the prediction that the reverse will prove true. If anything can curb and chain up the wolves and tigers who have preyed on Southern peace in the past, it will be to know that the eyes of the North are on them, and that the action of the Northern people will depend on whether they hereafter abstain from deeds of violence and massacre.

It is fortunate, indeed, if no error has crept into the reported platform except words telling those who have spilled innocent blood that they are on trial before the country, and that the people of New York are waiting in solicitude to see them mend their ways.

Justice to the presiding officer, whose position excludes him from the debate, demands reference to a remark which fell from a delegate from Westchester. He said I urged upon the President the presiding officer as a candidate for Postmaster-General. Never! I never communicated on such a topic with the President before or after his inauguration. Whatever may have been the offences or shortcomings of him who has been honored by your confidence, and trusted by New York to cast one of her votes in the Senate, he has never degraded his State or degraded you by thrusting himself, uninvited, where he had no right, nor by soliciting favors at the footstool of executive power. Had the Republican Senator from New York been inquired of by the incoming President, as he was not, he would have said that a long day's journey might not bring him to a man better fitted, by integrity, executive ability, and careful business habits, to be Postmaster-General than the unswerving Republican from Tioga, who, without provocation known to me, has been rudely and boisterously buffeted in the hearing of this Convention.

The member from Richmond was funny, as is his wont, in relating an anecdote of some Senator in connection with Mr. Lincoln. I did not understand, as other members did, that he intended either by neglect or innuendo, to imply that that Senator is the one who now stands before you. If he did so intend, I hope he will so signify.

*Mr. Curtis:* Mr. President, when the gentleman says that he did not suppose I referred to him, he was entirely, entirely correct.

*Mr. Conkling:* Then I withhold a statement I intended to

make, and I substitute for it a remark which I hope will not transgress the proprieties or liberties of this occasion. It is this: If a doubt arose in my mind whether the member from Richmond intended a covert shot at me, that doubt sprang from the fact that that member has published, in a newspaper, touching me, not matters political—political assault fairly conducted no man ever heard me complain of—but imputations upon my personal integrity so injurious and groundless, that as I think of them now, nothing but the proprieties of the occasion restrain me from denouncing them and their author as I feel at liberty to do in the walks of private life. Mr. President, according to that Christian code which I have been taught, there is no atonement in the thin lacquer of public courtesy, or of private ceremonial observance, for the offence one man does another when he violates that provision of the decalogue, which, speaking to him, says, “Thou shalt not bear false witness against thy neighbor,” and which means thou shalt not do it, whatever thy personal or political pique or animosity may be.

The member from Richmond did me honor overmuch in an individual if not personal exhortation wherein he was pleased to run some parallel between himself and me.

He denies that he has brought a firebrand among us—he insists that it has been in pursuit of harmony that we have been detained without need or use to this late hour, when our task might have been completed in the day, and we might have bidden each other God-speed homeward—and he implies that others do not hold as sincerely as he holds the purpose of maintaining purity and efficiency in the civil service, and in every concern and interest of our country. All this must undergo the judgment of others, and of time.

Let me supplant the parallel by recalling a remark of a great Crusader when Richard of England and Leopold of Austria had held dispute over the preliminaries of battle: “Let the future decide between you, and let it declare for him who carries furthest into the ranks of the enemy the sword of the cross.” \*

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\* It will be observed that Mr. Conkling praises General Grant and directs his remarks against Mr. Curtis. Careful observers have since declared that the allusions to General Grant by Messrs. Platt and Conkling were the first efforts to crystallize public sentiment in favor of a third term.

This speech had been read by him on the Sunday preceding the Convention to a warm political friend, who pronounced it "too severe." From a "regular" Republican point of view, it is an unanswerable argument against pretentious political aspirants, who, when shut out from the councils of the party and the patronage, desert from its ranks.

A newspaper critic says of this speech:

\* \* \* It should be perused by every Republican in the United States. It is one of the most masterly productions of the day, and it will require long and diligent search to find its superior in Congressional or even parliamentary debates. Neither Pitt, Burke or Sheridan could have more triumphantly vindicated himself under corresponding circumstances.

After the Convention at Rochester, so many of the Republican newspapers of the State came out in open hostility to Mr. Conkling that his friends regarded it as essential that one should be established in his favor. Accordingly his life-long friend, Lewis Lawrence, in October, 1877, began the publication of the *Utica Republican*. It was not a financial success, and was discontinued at the end of fifteen months. Meanwhile, however, Mr. Conkling had been re-elected to the Senate. The Southern policy of the Hayes administration was utterly at variance with the reconstructionary measures which Mr. Conkling had always sus-

tained ; and he had no sympathy with the new methods of conciliation and civil service reform policy. His sentiment in regard to the recent civil service act is forcibly set forth in a question which he put to the President of the American Geographical Society. He said that during an examination in England for the position of a copyist, the applicant was asked, "What three rivers empty into the Caspian Sea?" The gentleman just referred to had been for twenty years at the head of the Geographical Society, nevertheless he was unable to answer.

In the summer of 1877, when Senator Conkling was in London, he attended a dinner-party given by Mr. George W. Smalley, the correspondent of the *New York Tribune*. In a letter from London dated May 4, 1888, Mr. Smalley thus describes the conversation.

The Senator talked long on, or rather against, civil service reform and in favor of the practice summed up in the maxim that to the victors belong the spoils. There was among the company an Englishman who is himself one of the best talkers and debaters of the period. I asked him what he thought of Conkling's statement. He answered, "The most brilliant defence I ever heard of an utterly indefensible thing." It had been, indeed, so fascinating to those present that nobody had cared to break in upon his conversation, except by a question here or there, so that his talk became almost a speech—a rare thing indeed at a dinner-table in England, and a rare compliment to the man who so delighted his fellow-guests that they preferred listening to joining in the discussion.



A long interview of Mr. Conkling with a reporter of the New York *Herald* was printed in that journal November 9, 1877. We give a few extracts.

#### A GREAT STATE.

"Mr. Conkling," said the questioner, "is not New York a very difficult State for one to keep in public life long? Even De Witt Clinton, your father's friend, was once or twice shaken from his perch, and with difficulty recovered power."

"Yes," said Mr. Conkling, "It was difficult in his day, and it is more difficult now. The State of New York, in Governor Clinton's time, was comparatively homogeneous." "Do you know," added Mr. Conkling, "that in the city of New York eighty-four languages and dialects are spoken? The State has cast as many as 1,018,000 votes. Here is a mighty swarm of people, 5,000,000 in number, with a thousand clews to their tastes and wishes. A man might be Senator from the State of New York for thirty years, and even his name would not be known to a large fraction of those entitled to vote for him. What I may call the ascensive power of a republican people is always developing, here: wealth, ambition, ideas, talent, rise constantly from the mass of the people, and the law of everything is competition. There is a great wealthy class, for instance, in New York, ambitious of consideration, and restive at seeing men from smaller cities in the ascendancy. The legal profession, also, has wealth, and desires public distinction. No State in the Union presents more people for the great offices of honor or distinction."

#### SUPERFINE PEOPLE.

"In this city, Mr. Conkling, the most determined opponents you have seem to show themselves."

"Yes, there are about three hundred persons here who believe themselves to 'occupy the solar walk and milky way,' and even up there they lift their skirts very carefully for fear even the heavens might stain them. Some of these people would vote against a man because he had been nominated. The mere fact of nomina-



tion and selection reduces him in their estimation. They would have people fill the offices by nothing less than divine selection. If it were not so amusing, one would lose patience with this class of people; they are after the unattainable in human government."

\* \* \* \* \*

#### THE MASSACHUSETTS VICTORY.

"What is your opinion of the Massachusetts election, which the Hayes men are claiming as a victory for the policy?"

"That election shows only how well real party-men behave. The men who dislike the policy and could see no honesty in the President's position on the Southern question, nevertheless, walked to the polls and cast their ballots for the Republican candidates. The Hayes men also voted in Massachusetts. But in this State of New York I charge that the Hayes element was not only indifferent to the election, but voted the Democratic ticket by hosts. The State of New York is Democratic to-day by the act of the supporters of the President."

#### THE REPUBLICAN PARTY SHOULD LIVE.

"Mr. Conkling, is there any good reason for disbanding the Republican party at this time?"

"If there has been any time within the past ten years when the party was worth preserving, in the interest of taxpayers particularly, it is now. The Democratic party has three elements in it. First, there is the South, arrogant, advancing, driven on by the Southern constituents, who have lost everything. They were compelled to repudiate the Confederate debt, and to strike off the pensions to their soldiery. Why should not they take as much as possible from the North? In the light of human nature they are hardly to be blamed for looking upon the federal treasury as something which has been used to their disadvantage, but can now be employed to liquidate the balance. Then we have the East, of which New York is the Democratic citadel. Here it is Tammany Hall, and John Kelly, and the Canal Ring. This is another predatory element. In the last place, the Western Democracy is composed of two great wings—inflation and agrarianism. The Republican party alone at such a time can properly repre-

sent the property-holder and the taxpayer. Don't you see that the Southern element, being powerful in the Democratic caucus, can compel the whole party to support their measures?

"That is why I look upon these wealthy men of New York as foolish. They are to be the sufferers if this nation passes into the hands of a party controlled by the South and is ruled in the North by evil traditions and the socialistic elements."

\* \* \* \* \*

#### HAYES' SOUTHERN POLICY.

"Senator, criticism on President Hayes seems to be defective, because it does not substitute any kind of action in place of the action that he has thought fit to take."

"There is no considerable element in the Republican party," said Senator Conkling, "which objects to the removal of troops from the Southern States. I have made no objection on that score. But all that was required of him was to take out the troops, and nothing else. He had no right to make a bargain or compromise with the Legislature of the State in the interests of the Presidency. His interfering with a State by compromise or bargain was as much a violation of the law as if he had interfered with troops and by arms."

\* \* \* \* \*

An extra session of the Forty-fifth Congress had been called for October 25. One of the questions before it was the admission of M. C. Butler as a Senator from South Carolina. Mr. Conkling spoke upon the subject as follows:

Some principles will not be disputed in the case of any claimant, even one wearing such proud distinctions as we have heard of in this debate. A gentleman, a gentleman deemed important enough by a sovereign State to be talked of for Senator—and such a personage is entitled to no more consideration than the humble man whose testimony has been read and who, whatever his lot, fate, or color, is a born leader of men. He may be un-

lettered, he may have been painted black by nature's brush, he may be descended from tiger-hunters of the Gold Coast of Africa; but of whatever race he is, no man ever did the acts he recounts unless he had in him the stuff and metal which constitute primacy among men. He may not be a gentleman in the estimation of the proud and the dominant, but whether he wears robes or rags, I would accept his plighted faith with more confidence than I would take the oath of any man—no matter if the blood of all the Howards be running in his veins—who was ever, in coldness or in passion, accessory before or after the fact, when the defenceless, the ignorant, the inoffensive, the harmless, were brutally shot down, as this testimony recounts.

A difference between the Executive and Senator Conkling occurred in December. Messrs. Theodore Roosevelt and L. Bradford Prince, had been nominated to succeed Chester A. Arthur and Alonzo B. Cornell as Collector and Naval Officer of the port of New York.

The ostensible reason was furnished by the report of a commission consisting of "Independent Republicans" who were hostile to Senator Conkling and to his supporters. After months of investigation this commission made a series of reports, which, to a great extent, revived old questions, while containing suggestions for many needed reforms. General Arthur, however, had anticipated every improvement which was recommended. He had urged their adoption upon the very department in which the commission originated, and had actually put in operation many of the recommendations.

The President was really endeavoring to remove the very introducer of the reforms which he himself professed to desire.

Senator Conkling had no sympathy with the pretensions which had been put forth.

Although the names of Roosevelt and Prince were favorably reported upon by the Committee to which they had been referred, yet when, on the twelfth of December, the question of confirmation was before the Senate, they were rejected by a vote of thirty-two to twenty-five. Among those voting against confirmation were two Democrats and one Independent—the Hon. David Davis, of Illinois. Six Republicans favored these appointments.

Prior to the roll-call an exciting contest of some six hours took place in the Senate. Then it was that Mr. Conkling made a forcible speech, which is referred to in Chapter XXI. It is described there as fully as it would be proper to relate what occurred in the executive session. By this victory Senator Conkling showed his capacity as a leader in consolidating his own power and influence in New York, which was morally certain to be the deciding State in the next Presidential election.

Mr. Arthur, two days after the vote in the Senate, wrote the following letter:

NEW YORK, December 13, 1877.

*My Dear Sir:* I cannot tell you how gratified I am at the splendid victory you have won — apart from and way beyond any personal considerations of my own. The whole town is excited by the event, and the current of popular feeling is all with you. I recall your saying, the last time I saw you, that “within a month it would be lawful to speak the truth.”

You have had to bear the whole burden of the fight. I deeply regret that we could do no more to help you at this end. We tried all we could, but nothing seems to have been of any avail.

I appreciate how great the strain must have been upon you, and hope you will now be able to get a little rest. For myself personally I thank you cordially for your vindication of my official character.

We hope to see you here soon, and to hear the details of the battle.

Yours faithfully,

C. A. ARTHUR.

The Honorable ROSCOE CONKLING.

Messrs. Arthur and Cornell were, however, suspended, July 11, 1878, after the adjournment of Congress. Edwin A. Merritt and Silas W. Burt were respectively appointed in their place as Collector and Naval Officer, and afterward confirmed, February 3, 1879.

Despite Mr. Conkling's insistence in relation to the Presidential appointments in New York, he seldom took any part in regard to subordinate officers. During the terms of Messrs. Arthur and Cornell, the Senator did not visit the Custom House more than once a year. General Arthur's deputy has informed the biographer that Mr.

Conkling asked for few appointments—at most half a dozen ; and Mr. Cornell states that Senator Conkling then recommended no one for appointment.

Concerning Mr. Conkling's struggle with President Hayes, the following newspaper extracts are of sufficient interest to warrant publication. They are given as an index of public sentiment.

The *Chicago Tribune*, which has been strenuously opposed to Senator Conkling, says : "The defeat of the Administration in the matter of the New York Custom-House appointments is no more than the country had reason to expect, and the wonder in the matter is that the Senate vote was not more unanimous. The President was in the wrong."

George Alfred Townsend reviews the Senatorial battle in the *Philadelphia Times* in his lively fashion. We make some extracts :

There has never been, in my view, a more artistic piece of work than Conkling's speech against Butler, of South Carolina, made at the critical period of his New York confirmations. There he stood with his personage imperiled by every word he spoke, yet speaking with his best partisan effectiveness. Spectators and reporters said : "He has incensed the South as well as Patterson and Conover; now the Democrats will give his appointments fits." But in the splendid piloting of that speech he gave the enemy his broadside, passed the bar without scraping, stood off and saluted, and all said : "There's a sailor!" His own party was brought together by fear and admiration ; the Democrats rather respected



his pluck and couldn't impugn his language. \* \* \* More than thirty years ago Henry Clay, in the nobility of his faculties, undertook to bridle a President, but he never could get the Democrats to help him do it. Clay lacked the clear, wilful, educated intellect of Conkling; the public man has advanced since the days of Clay. Clay was swelling and indiscriminate, and attacked too much.

Thus, getting aid and comfort from the Democrats, Conkling has put rigorous discipline in the Republican party. All the stray sheep have been barked up. The Senate majority has annexed the State Department and proposes to run it. They are shaping the policy instead of the Administration, and during the holidays will go right along forging thunderbolts.

\* \* \* \* \*

Taking the Democrats who voted for Conkling, it will be seen that their leading motive was a sense of Senatorial reciprocity. One of the number said to me: "That fellow Conkling is the Henry Clay of the Radical party. I don't sympathize with his own partisans trying to assassinate him." Allen Thurman cannot be suspected of any evil motives, for he is a friend of Hayes. As the leader of the Democratic side, he would not do an unchivalric thing, and the Ohio newspapers have picked at him as those of New York at Conkling.

Conover, who voted against Conkling, said to me: "Conkling's speaking abilities have depressed his greater merits in point of political sagacity. He looks a long way ahead and prepares for occasions. He has the longest outlook of any Senator." Dorsey said to me: "Nobody will ever know the degree of Conkling's power in executive sessions. He has immense strength, when the spectators have gone, upon the minds of his peers. I saw him make a speech on the confirmation of Judge Hughes, of Virginia, in reply to Edmunds, that was as wonderful as anything I ever heard. Edmunds attacked Hughes for fighting a duel; Conkling had his coat on his arm and was going out; he heard his name mentioned by Edmunds as an upholder of dueling. Conkling wheeled around, put his coat and hat on a chair, and made a speech on dueling that was full of beauty, wisdom and learning, and it confirmed Hughes on the spot."

In an executive session of the Senate, on the day after the rejection of Messrs. Roosevelt and Prince, a serious altercation occurred between Senator Gordon, of Georgia—then the personal defender of Mr. Hayes—and Senator Conkling. The scene may be thus briefly described: The clerk was reading the calendar, when Mr. Gordon interrupted, and made a motion concerning the nomination for the place of Collector of Internal Revenue in Georgia. Thereupon Mr. Hamlin and Mr. Mitchell said, "Let us go on with the calendar." Thus did these two Senators object to the consideration of Mr. Gordon's motion, and under the rules a single objection suffices to carry over a motion for one day. At this point Senator Conkling looked up from the newspaper which he had been reading, and without any excitement joined the other Senators who wished the executive business to proceed in the regular order, and said, "Oh, let us go on with the calendar." There was nothing in the words or manner of Mr. Conkling which was calculated to offend the Senator from Georgia. The defeat of the Administration on the preceding day had annoyed Mr. Gordon. He failed to secure the full Democratic vote for the confirmation of the important New York nominations, and he held Senator Conkling responsible for the defeat of his scheme. Mr. Gor-

don then loudly accused the Senator from New York of giving orders to the Vice-President (William A. Wheeler). Mr. Conkling, who meanwhile had resumed the reading of his paper, heard his name mentioned, but did not understand what was said. Accordingly he asked Mr. Gordon to repeat the remark. Thereupon the Senator from Georgia, with a very belligerent manner, repeated his words as follows, "The Senator from New York is not in the Chair, but he is giving orders to the Chair."

Mr. Conkling, in a deliberate and orderly manner, said in reply, "If the Senator states that I have given orders to the Chair, the statement is untrue." Whereupon Mr. Gordon responded in the style of the *ante-bellum* days, "*We will settle this elsewhere.*" Mr. Conkling, still addressing the Chair, answered, "We can settle it here and now, and in order that I may not be misunderstood, I repeat that if the Senator from Georgia states that I have given advice to the Chair, the statement is untrue." After the adjournment, the labors of Senator Gordon's friends began. They insisted that he had no intention of fighting a duel. Senators Ransom and McDonald represented the Southern Senator, while Senators Hamlin and Howe became the possible "seconds" of the Republican leader. The correspondents of the press called upon both Mr. Gordon and Mr. Conkling,

but neither would talk for publication. The latter had simply denied a false statement, while the former, in using the word "elsewhere," had suggested a meeting the result of which might prove fatal. Although Mr. Conkling much preferred that the whole matter should take its own course, the wishes of warm friends could not be overlooked, and yielding to their requests, he suffered them to pursue the plan which to them seemed most proper. The result was a statement signed by the Senatorial peace-makers, which, after reciting the whole incident, concluded by saying, \* \* \* "the remarks of either (Gordon and Conkling) should be treated as if never uttered, and we are now authorized to state that the same are mutually and simultaneously withdrawn."

In reply to a letter addressed to Mr. Hamlin asking for the secret history of this affair, the biographer received the following:

BANGOR, June 5, 1889.

A. R. CONKLING, Esq.

*Dear Sir:* I have your note of the third inst. I can think of nothing to communicate in relation to the matter of Conkling and Gordon beyond what is in the *Cong. Record*. You can say, most decidedly, that the settlement of the difficulty was in every particular honorable to Mr. Conkling.     Yours truly,

H. HAMLIN.

1878.

## CHAPTER XXIX.

EULOGY ON SENATOR OLIVER P. MORTON—MR. CONKLING OPPOSES THE SILVER BILL—A NOTABLE CHEMICAL PATENT SUIT.

THE chief topics discussed at the second session of the Forty-fifth Congress were the silver bill and the investigation of alleged frauds in the election of Louisiana in 1876.

Early in December, under a suspension of the rules, the silver bill was passed in the House by an overwhelming majority. The gist of this bill was that silver dollars of the weight of  $412\frac{1}{2}$  grains Troy, of standard silver, should be coined at the mints of the United States, and that these coins shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise provided by contract; and that any owner of silver bullion might deposit it at any mint or assay office, to be coined into such dollars for his benefit, upon the same terms and conditions as gold bullion is deposited for coinage under existing laws.

In this manner the Democratic majority in the lower House of Congress began its work by introducing a policy that was calculated to impair the public credit as well as to arrest the steady progress which the Secretary of the Treasury had made in the great work of refunding the public debt at a lower rate of interest. In a letter to a friend, Senator Conkling afterward spoke of this measure in these words: "Wild schemes of repudiation and financial chaos find encouragement on every hand; and in most of the States the Democratic party is being drawn into the whirlpool of fallacious short-sighted theories."

The silver bill was not debated in the Senate till after the holiday recess.

At this session Mr. Conkling became a member of two select committees, *viz.*, "To take into consideration the state of the law respecting the ascertaining and declaration of the result of the election of the President and Vice-President of the United States," and "On Relations of Affairs between the United States and Mexico."

His first important speech was a eulogy upon the late Senator Morton, of Indiana (who died during the recess), January 17, 1878. He said:

MR. PRESIDENT: In ancient times those nearest the dead spoke in their funerals.

Fathers celebrated the bravery and achievements of their sons;



and the graces and virtues of wives and of daughters were publicly recited and extolled by those who loved and mourned them most. These customs have been banished by modern civilization or modern manners. Now the fondest lips are sealed, and the ashes and the fame of the departed are no longer committed to those who would shield and treasure them with the tender partiality of bereaved affection.

It is difficult to note a change so great, in a matter so deeply rooted in the heart of man, so hallowed and mastered by instinct and innate emotion, without wonder that the same beings in different generations should be moved to such different manifestations of the same sentiment and the same sorrow.

Death is nature's supreme abhorrence. The dark valley, with its weird and solemn shadows, illumined by the rays of Christianity, is still the ground which man shudders to approach. The grim portals and the narrow house seem in the lapse of centuries to have gained rather than lost in impressive and foreboding horror. It must have been while musing over this puzzling fact that an illustrious American—gifted as a poet, and therefore gifted as a philosopher—wrote these graceful, memorable words :

In the temple of Juno, at Elis, Sleep, and his twin brother, Death, were represented as children reposing in the arms of Night. On various funeral monuments of the ancients the Genius of Death is sculptured as a beautiful youth, leaning on an inverted torch, in the attitude of repose, his wings folded and his feet crossed. In such peaceful and attractive forms did the imagination of ancient poets and sculptors represent death. And these were men in whose souls the religion of Nature was like the light of stars, beautiful but faint and cold ! Strange that in later days this angel of God, which leads us with a gentle hand into the Land of the great departed, into the silent Land, should have been transformed into a monstrous and terrific thing ! Such is the spectral rider on the pale horse ; such the ghastly skeleton with scythe and hour-glass ; the Reaper whose name is Death.

Whether owing to the tendencies here suggested, or to other promptings, the usage of paying public tribute to those who have gone, now admits to its privilege few who stand in relations so close as brother Senators. When a member of the Senate, weary with the toil of years, worn with labors which observe no hours, long and harshly criticised perhaps, when the truth if known

would have changed critics to eulogists, crowned with duties well done and honors well earned—when such an one, beckoned by the shadowy hand, retreats from the din of life, and the gates have closed behind him forever, it is decorous that those who are so soon to follow him should pause, and bear public testimony of the esteem in which they held him, and of the approbation which they know he deserved. Their utterances may not add a cubit or an hour to his fame, but they strengthen and brighten the links of the chain which should bind men and Senators together.

It is not my purpose to repeat the story of a career which the nation knows by heart. The Senate has heard, in feeling and graceful words, many incidents of a life devoted to the public service, and enduringly associated with events grand, arduous and historic. I rose only to add my tribute of respect and admiration for the genius and the services of a remarkable man, and to unite with the people of Indiana in the grief with which they mourn the death of their illustrious Senator.

As a party leader, he was too great for any party or any State readily to supply his place. As an efficient, vigilant and able representative he had no superior in either House of Congress.

Oppressed and crippled by bodily infirmity, his mind never faltered or flagged.

Despite pain and sickness, so long as he could be carried to his seat he was never absent from the Senate or the Committee. No labor discouraged him, no contingency appalled him, no disadvantage dismayed him, no defeat disheartened him. Those who encountered him in debate or in affairs will never forget his ability, his zeal, his industry, his energy, his fertility, his varied powers, or, above all, his indomitable heart. Living in an era of extraordinary activities and forces, he has left a deep and lasting impress on his times.

He will go down to a far hereafter, not as one who embellished and perpetuated his name by a studied and scholastic use of words, nor as a herald of resounding theories, but rather as one who day by day on the journey of life met actual affairs and realities and grappled them with a grasp too resolute and quick to loiter for the ornament or the advantage of protracted and tranquil meditation.

He needs no epitaph but his name; and though brass may corrode and marble molder, men will still remember Oliver Perry Morton as a leading and manful defender of the Republic in the Republic's most dire and heroic age.

The Senate now took up for consideration the so-called silver bill. Its title was (H. R. 1093), "A bill to authorize the free coinage of the standard silver dollar and to restore its legal-tender character." The gist of the measure (as already stated) was to "remonetize" the silver dollar. The opponents of the bill denounced it as "a plan to issue a silver dollar so far below the standard recognized as such in the leading commercial nations of the world, and to make the laborer receive smaller compensation than he then obtained."

Many amendments to this bill were offered, the majority of which were opposed by Mr. Conkling, but he voted for the amendment to increase the amount of silver in the dollar.

It will be remembered that Mr. Conkling opposed the legal-tender act of 1862. He then planted himself fairly on a solid-money platform, and from that platform, in and out of Congress, he never moved. While so many public men trimmed and faltered, Roscoe Conkling remained firm.

On the fifteenth of February, 1878, on the call of Mr. Conkling the yeas and nays were taken on the passage of the silver bill. It was carried by a

two-thirds vote of those present, viz., forty-eight to twenty-one. *Senator Conkling voted "No."* The nays were chiefly from New England and the Middle States, and fourteen of them were Republicans.

The Senate had held this measure in committee and under consideration nearly three months. It was then returned to the House, and, some days later, passed with the amendments. As amended by the Senate it was obnoxious to the "gold" men and to the ultra "silver" men. The advocates of a gold standard of course opposed the plan to "remonetize" silver.

The measure was regarded as having been much improved by the amendments of the Senate.\*

In the month of July, 1878, the President had suspended Collector Arthur and Naval Officer Cornell, of the city of New York, without giving any official reason therefor. He thus re-opened a controversy which Republicans had supposed to be happily ended.

This action was unfortunate, and it tended to renew discord at a time when earnest Republicans were congratulating themselves at the assurances of greater harmony in the party.

The position of the President was construed in two ways. First: It was suspected to be a move-

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\* For the full text of the bill, with amendments, and for a report of the long debate, the reader is referred to the *Congressional Record*, Forty-fifth Congress, second session, February, 1878.

ment to destroy Senator Conkling, and to annihilate his political influence in New York. Second: It was supposed to be an effort to gain control of the Republican organization in aid of Presidential aspirations. A delegation of Republican Congressmen at the preceding session of Congress had made a written request not to send to the Senate new nominations for the New York Custom-House, on the ground that the incumbents\* were capable, honest, and satisfactory to the public, as well as to the Republican party of the State. This wish was thus utterly disregarded.

Several weeks later a council of Republicans was held at Saratoga, where the following letter from Senator Conkling to Alonzo B. Cornell was read :

UTICA, August 28, 1878.

*My Dear Sir:* I have your note saying that a number of Republicans will meet at Saratoga to-morrow to take counsel together. This seems to me wise and timely. The Government is rapidly passing absolutely into the hands of those who sought to destroy it, not stopping till they had filled the land with woe, and burdened it with debt and taxes, which now rest so heavily upon us. This is not wise for any section. Raids on the Treasury, vast in amount, and without right or honesty, are mustering for the time when the solid South, dominating the Democratic party, as it will and must, shall again rule the two Houses of Congress.

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Certainly the time is fit for the Republicans of New York to come together in earnest harmony, ignoring personal and minor

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\* Chester A. Arthur and Alonzo B. Cornell.

issues, and joining heart and hand in one high, just purpose to preserve the national security and honesty, and to protect human rights. I should like to meet you all, as you propose, but it seems better that I remain away. I see it charged that a claim to be returned to the Senate has been set up by me. You know, but all others may not know, how far this is from the truth. I know and feel that if any one has a claim on the Republican party I am not the man.

The claim is altogether the other way. I have been honored too much and too often not to feel a deep and binding sense of the obligation to the party and its members, and sincere regret that I have been no better able to deserve and repay their confidence. No personal claim or individual interest should even seem to enter your conference. No man's wish or will deserves to be balanced for a moment against unity and success at a time like this.

ROSCOE CONKLING.

The State Convention met September 26, 1878. Previous to that time Senator Conkling was urged to denounce the Greenback and Labor platforms. During the preceding session of Congress he had voted against the silver bill; and his political friends were anxious to know his views more fully. The Convention was very harmonious. Those who, in the previous year at Rochester, had opposed the Senator, now remained silent, and one of his prominent adversaries actually applauded his remarks. A judge of the Court of Appeals was to be named, and George F. Danforth, of Monroe County, became the candidate. He was afterward elected.

The platform, in unequivocal terms, declared for



*hard money*, and the Electoral Commission was also thoroughly approved. Senator Conkling was chosen president of the Convention, and his speech was well received. When a reference to President Lincoln was made it provoked applause. Thereupon Mr. Conkling dropped the thread of his discourse and with touching pathos said: "I trust that the name of Lincoln will never be mentioned in a Republican assemblage without calling forth evidences of sympathy and respect." As an expression of his opinions, this speech is so important that a full report would be desirable, but it is too long to print. He selected, as a sort of a text, the following: "Let the Republican Party be Now and Always the Champion of Right and Courage—never the Victim of Error and Fear."

The next case of public interest that Mr. Conkling argued in court was one about a patent for nickel-plating. The particulars have been furnished by Messrs. Frost & Coe, who were the solicitors.

Nickel-plating is based on the same general principle as gold, silver and other kinds of electro-plating, namely, that a solution of the metal of which a deposit is desired is capable of being so decomposed by an electric current as to separate the metal from the solution and deposit it on the article to be coated.

At the time of the Adams invention, concerning which the suits were brought, nickel-plating was referred to in the books on electro-chemistry as capable of being carried on with various solutions, and patents had been granted for solutions and different ways and methods of using them.

Dr. Adams, a patentee, claimed to have discovered that in the preparation of nickel or of the solutions minute quantities of certain substances injurious to the deposits, and fatal to success, had been allowed to enter, and his remedy was so to prepare the nickel and the solutions as to eliminate these harmful substances, and so prevent their alleged ill effects. These substances were soda, alumina, lime and nitric acid.

It was further claimed, on behalf of the patentee, that it was only by observing his conditions and precautions that nickel-plating could be carried on commercially, and that, as he was the first to make it a practical success he was entitled to be considered the founder of the art.

Litigation on the patent began soon after its issue. Two suits in Massachusetts were decided in its favor, and then, about the year 1873, the New York test suit was commenced against Harris & Weston. Mr. Weston's position, in which he was sustained by Professors Doremus and Seelye, was that the theory of the patent was unsound and untenable; that he prepared and used his solutions in nickel-plating in accordance with well-known methods laid down in the books without paying any attention to the Adams directions and precautions. The case came to argument in the spring of 1878 before Judge Blatchford. It was held by him under advisement nearly six months. In the fall he decided against the defendants in a carefully written and elaborate opinion. Injunctions on the strength of his decree were at once granted against a number of prominent concerns in New York.

It was at this time that Senator Conkling was called into the case. Under the form of a motion to vacate these injunctions, he asked virtually from Judge Blatchford a favorable reconsideration of the Harris case, which he had recently decided.

He had only about ten days in which to familiarize himself with the suit. In order to illustrate and enforce the positions of the defence, Professor Doremus instituted a series of experiments in his laboratory.

During this time Mr. Conkling watched carefully the course of these experiments, and in addition had long consultations with Messrs. Frost & Coe, Mr. Weston, and the other gentlemen connected with the defence. The remainder of the time he devoted

to his own examinations of the patent and the evidence, going where he could see the work actually done, as well as making experiments for himself, and acquiring chemical knowledge with his usual rapidity and success.

The original case had been prepared with great care. It had been presented to Judge Blatchford by the late Charles F. Blake, a patent lawyer of great eminence, in connection with the firm of Frost & Coe, and had been decided by Judge Blatchford after most careful and prolonged consideration. It is safe to say that no other man but Mr. Conkling could have induced this Judge to accord a patient rehearing in the matter. That he was not only able to induce Judge Blatchford to listen most attentively to his argument, but also to take the papers and again carefully review the case, in opposition to Edward N. Dickerson—who then stood foremost among Patent lawyers, and had the advantage of years of familiarity with the subject—is quite remarkable.

Judge Blatchford's final decision was adverse to the defence, but this was due to no fault of Mr. Conkling. He had so acquired the facts of the case, that everything that could be said for the defence was said, and said in his own inimitable way. To prove his points, he brought so much apparatus into court that it seemed like a laboratory. It was a source of regret to him and to many others that the case could not have been appealed to the Supreme Court. After this second decision of Judge Blatchford, those interested in the patent presented such favorable terms of settlement to those interested in the defence, that undoubtedly it was judicious, for business reasons, to accept them. These terms, we thoroughly believe, would not have been offered unless Mr. Conkling had made out such a good case for the defence.

JANUARY, 1879—JUNE, 1880.

## CHAPTER XXX.

AN UNUSUAL HONOR—THE FIRST REPUBLICAN TO BE  
THRICE ELECTED TO THE SENATE—SALUTED BY NE-  
GROES—THE UTICA CONVENTION OF FEBRUARY, 1880.

IT was incumbent upon the Legislature of 1879 to elect a United States Senator. There was a decided Republican majority, and Mr. Conkling was again nominated by acclamation for a third consecutive term. On Tuesday, January 21, the election took place. In the Senate twenty votes were given for Roscoe Conkling and twelve for the Hon. William Dorsheimer; and in the Assembly, ninety-five for Mr. Conkling, twenty-three for Lieutenant-Governor Dorsheimer, and two for Peter Cooper, "Greenbacker." The joint session for a comparison of the votes took place the next day, and the nominations having been found to agree, the presiding officer announced that Roscoe Conkling had been chosen Senator for the term of six years from the fourth day of March next.

Even the leading Democratic journals approved of this result. By no class of our population,

however, was Mr. Conkling's re-election received with greater enthusiasm than by the colored citizens. The following telegram received by him at Washington is expressive of their sentiments:

NEW YORK, January 21, 1879.

Hon. ROSCOE CONKLING,

U. S. Senate, Washington, D. C.

The colored Republicans of New York have just commenced firing 115 guns in Washington Square. Two hundred colored veteran soldiers are present in uniform, with martial music, together with an immense concourse of people.

T. L. JAMES.

On the same occasion Mr. Conkling received from a colored man the following letter :

NEW YORK, January 20, 1879.

*My Dear Sir:* A goodly number of your colored friends and admirers in this city, mindful of the invaluable services experienced by them at your hands, and desirous, in a slight degree at least, of expressing their appreciation thereof, propose to-morrow evening, January 21, firing a gun for each vote cast in the Legislature at Albany for your re-election to the United States Senate. They also most respectfully and cordially tender you their congratulations on the occasion, trusting that your career may be as brilliant and useful in the future as it has been in the past. Very respectfully, your obedient servant,

DAVID F. NELSON.

The Hon. ROSCOE CONKLING,  
Senate Chamber, Washington, D. C.

THE REPLY.

UNITED STATES SENATE CHAMBER, }  
WASHINGTON, January 25, 1879. }

*My Dear Sir:* I had the pleasure to receive your valued letter telling me of the action of a large body of brave colored citizens and soldiers of New York, signifying their good-will to me.

In all the great and undeserved honor which the Republicans of New York have bestowed on me, there have been few incidents so gratifying as the gathering of so many brave colored citizens to attest their confidence in me.

Their meaning is well understood. They believe, and they are not mistaken, that I appreciate and feel the claims of their race, and the manly service it rendered in the country's most dire need. They believe that the wrongs which have been endured by colored men on this continent in the distant, and also in the recent past, deserve to be remembered, and that such wrongs should be made to disappear. They believe that a man's rights before God and man cannot justly depend on the color of his skin.

All this I believe, and I hope yet to be able to aid in establishing justice and fair play for all men under America's flag.

Tell them so, and accept my thanks at the same time that you bear them to others.

Yours truly,

ROSCOE CONKLING.

MR. DAVID F. NELSON, 12 W. 12th St., New York City.

Mr. Conkling's letter of thanks was read the following Sunday in all the colored churches of the city of New York.\*

A Republican journal had been established at Utica, in the autumn of 1877, by the friends of

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\*The following account of David F. Nelson by his former commanding officer may interest the reader. He is now a clerk in the New York Post-office. When, in 1885, Mr. Conkling returned from Europe, he brought him a present.

This is to certify that the first time I ever saw David F. Nelson (colored boy) was on the shore of the Neuse River, in North Carolina, about twenty miles below the city of Newbern, the day before the battle of Newbern. Though scarcely nine years of age, he brought information as to the location of the enemy, and while I almost discredited his statements, the information was found to be correct.

He had been a slave, and had been living a few miles out from the city with his mistress, from whom he ran away two days before the battle.



Mr. Conkling. In February, 1879, it was discontinued. Mr. Lewis Lawrence was its proprietor. Mr. Conkling's appreciation of him was deservedly high, as will appear from the following letter, which was written soon after his death:

2 WALL STREET, NEW YORK, January 7, 1887.

*My Dear Sir:* Very welcome is your invitation to say a few words of our long-valued friend, Mr. Lawrence.

In all the years while I knew and felt his goodness and his kindness, one marked trait stood out in his gentle yet robust and manly character. This was the bravery of his belief — the adherence in action at whatever peril, against whatever odds, to whatever his reason wrought out. Clamor, fashion, pretension, heartless expediency — none of these, however formulated or solemnized, could gain an hour's mastery over him, even if he stood alone.

For example, he believed that one man could not rightfully own another man. He rejected such a dogma, although he saw it embalmed in constitutions, in statutes, in decisions of courts, and in the all but universal acquiescence of his countrymen.

When this was true he was a young man — poor, busy, struggling, and much dependent for success upon the approbation of others. The generation in which he thus stood was conserva-

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He was taken by me, at his request, from the shore to the United States gunboat *Chasseur*, and received on board as a contraband, where he acted as officers' mess-boy; and for faithfulness and intelligence was promoted and stationed at one division of great guns, as powder-boy. He was afterward transferred to the United States gunboat *Ranger*, under my charge, and on several occasions, while on board the latter vessel, attracted the attention of General A. E. Burnside and other officers, by his unusual smartness and ingenuity. David, as he was called, was always obedient and strictly honest, and was a general favorite with all who knew him.

[Signed]

VALENTINE H. VOORHEES,  
Second Lieut. Thirteenth N. Y. H. Artillery.

New York, September 9, 1865.

tively vengeful against agitation—especially against anti-slavery agitation. Policy, ease, advantage, were all on one side—the side of anger and denunciation against Abolitionists. This made no difference with the conviction or the action of Lewis Lawrence. No shadow of turning came from what men nowadays call “pressure.” Under the strain of a hazardous business, to which he devoted hours which most men give to rest, he turned aside, never without peril, whenever a fleeing slave could be helped to Canada, or secreted from his pursuers. Well knowing the risks he ran, he faced them all with a determination which never faltered for a moment, and with a hand ever open to charity till its pulses ceased to beat.

So, he believed strong drink the foe of man. Expediency, usage, neighborly appeals, smooth terms with others—all again stood on one side, asking him only to say, “I am not my brother’s keeper.” But against every persuasion, either of blandishment or displeasure, he set his face like flint, making no apology or excuse in any presence for the stand he took. Again, he would hear hue and cry raised against some one he knew or had cause to esteem. Numbers would join in the buffeting, or by half-hearted paltering would help it on. An innate sense of justice and of reason seemed to keep him steadfast to his own belief, unswayed by the din which confused or silenced most of those around him. I do not believe that the mere fact that any man or woman was set upon and denounced ever of itself cost that man or woman the friendship of Mr. Lawrence. To me there was a volume of nobility in this one manifestation of his nature. He excelled not in the easy excellence of things said, but in the arduous excellence of things done.

His whole business life was a campaign of pluck, perseverance and principle. Absolute in his methods of business, he was exacting of himself. In his theory and practice authority went with responsibility. If he was to become responsible for creating a railroad, he insisted upon full sway in the province allotted him; and the skill, the foresight, the wisdom, the full completeness which his work revealed, ever vindicated his resolute self-reliance.

To extol his benevolence, his respect for the rights of others, his sympathy for the sufferings of others, his never-sleeping

generosity, his good works, his cheerful, genial presence, his reverence for the truth, the blamelessness of his life, could be appropriate only with those who did not know him. It is enough to say that, when the volume of my life is closed, could I hope as little will be found which friendship would efface as his acts have recorded, it would be both a solace and a triumph.

Indebted to him for countless words and deeds of kindness, I can never cease to hold him in grateful and honoring memory.

Sincerely yours,

ROSCOE CONKLING.

The Reverend DR. BROWN, Utica, N. Y.

Congress had expired March 4, 1879. The necessary appropriations for the army had not been made, and the President called an extra session for that purpose. Partisan feeling ran high, and the debates upon the various questions were warm and animated. Ex-Governor Seymour, from his home at Utica, took the occasion to address him a letter conveying a friendly caution, as follows:

UTICA, April 22, 1879.

*My Dear Sir:* I have no right to give you advice about political affairs, but sometimes the lookers-on can see more clearly than those who are in the midst of the fight. The late debates in Congress on grave questions have run too much into personal wrangles. The local air of Washington misleads members as to the general feeling of the country. Ultra men excite some attention, and partisan journals are apt to laud violent speeches; but when the time comes to select leaders, extreme men are set aside for those who are more moderate and thoughtful. I think a Republican who would set forth his opinions in a firm, moderate way, and who would concede all the difficulties, social, industrial and political, which embarrass the people of the South, would make his mark. There is an opening for a large-minded, statesman-like

speech which will rise above the object of making the people of one section of our country hate those who live in other parts of it. The Stalwart men of brains in the Senate and House are overdoing the thing.

I am, truly yours,

HORATIO SEYMOUR.

HON. R. CONKLING.

Two days later, April 24, when the bill to make appropriations for the support of the army was under consideration in the Senate, Mr. Conkling delivered one of his characteristic speeches. It was a thorough review of the pending condition of affairs. Three hundred thousand pamphlet copies were printed, and the Hon. Thomas V. Cooper, of Pennsylvania, reprinted it entire (together with the address nominating General Grant at Chicago in 1880) in his work entitled *American Politics*. Excerpts from this speech are found in Chapter XXI. The following despatch in regard to the speech appeared in the *Evening Post* of April 25, and was written by Mr. Henry R. Elliott, the correspondent of that journal :

WASHINGTON, April 24, 1879.

Mr. Conkling closed his remarkable speech this afternoon by saying that as the session had been convened by a Democratic caucus for the purpose of making political speeches, he too had made one. It might be said, perhaps, that in reality he made four, for his three hours were consumed in the consideration of four distinct and separate topics. The first speech was an analysis of the Democratic caucus programme, and, as a caustic and effective review of that plan, ranked with Garfield's exposition of the same design at the opening of the debate in the House of

Representatives. The second speech was a legal discussion of the merits of the political sections of the two appropriation bills. As this was the only one of the four that was strictly germane to the subject before the Senate, so it was the only one of all that was marked by mediocrity in the speaker or listened to with anything that approached inattention by the vast and brilliant assemblage. The third speech was in behalf of the renomination of President Grant, and it is needless to say that this oration was distinguished by all the graces and political acuteness of which the Senator is capable. In emphasis of this nomination, by the rhetorical device of contrast, the fourth and last speech was a bitter denunciation and criticism of what is known as "the policy of conciliation." He dwelt with great severity upon its past, present and future, declaring that it had its origin in mawkish sentimentality; that it had already resulted in a restoration of the Southern secession element to a domination in Congress, and that if not rebuked it would eventuate in all the horrid calamities which political orators from time out of mind have prophesied to their beloved land if the opposite party should succeed.

As a specimen of forensic oratory, there is and can be but one opinion. It is the only talk of the town to-night, and however bitterly many of its features may be attacked—and at times the speech was cruelly unfair—friends and foes vie in adjectives of praise. Some parts were indeed noble, and even the misrepresentations and abuse were on a grand scale. It would be difficult to find in all the literature of spite more scathing sarcasm or more eloquent perversion than marked his references to a policy of generosity and friendship to the South.

Apart from the main merits of the speech, many very characteristic incidents occurred to give it interest. His charm of voice and manner, the play of feature and graceful and significant action, his artistic use of the adjacent furniture and his neighbors as part of his gestures, his supercilious snubbing of Ben Hill, the inevitable affectionate by-play with Eaton, the contemptuous fling at Hereford, the suave vivisection of ponderous Senator Davis and his "soothing-sirup" speech, the theatrical tearing up of each sheet of notes as he proceeded, the insolent sneer at the presiding officer, Mr. Thurman, whom he was "glad to see in his



seat," the fresh quotations happily introduced, and the old quotations brought in or just suggested with rhetorical art, the original and picturesque phrases which seemed to invest old and common thoughts with renewed vitality—a stream of such incidents were like a delicate sauce added to viands that seemed perfect without them.

H. R. E.

The Republican State Convention met at Saratoga Springs, September 3, 1879. As Senator Conkling entered the hall he was greeted with loud acclamations. The Hon. E. M. Madden, State Senator, moved that he should be chosen temporary president of the Convention. A unanimous vote ratified the motion. Mr. Conkling taking the chair, delivered a forcible and cutting address upon the condition of political affairs.

After the permanent organization, the Convention selected Alonzo B. Corneil as candidate for Governor. On motion of Mr. Conkling, the Hon. Hamilton Ward was nominated for Attorney-General. When the complete State ticket had been made, a platform expressive of the views which Mr. Conkling had avowed, was reported and adopted.

Mr. Conkling's friendship for our colored citizens was always remembered and heartily reciprocated. About three weeks after the Convention at Saratoga, he received the following letter from the colored Senator, the Hon. B. K. Bruce, of Mississippi, gratefully acknowledging his courtesy and consistent deportment:



UNITED STATES SENATE CHAMBER, }  
WASHINGTON, September 21, 1879. }

*My Dear Sir:* When I came to Washington, four years ago, to take my seat in the Senate, I was an utter stranger not only to the members of that body, but to the duties devolving upon me in such a station. I was hopeful of no more than the assurance from the general body of its membership that the novelty of the event would embarrass them less than myself. A radical change in our politics had just occurred; the protection of the freedman at the South had become unpopular at the North; the press, potent for good or evil, had turned its batteries against us, and those who dared to stand firm for the right were denounced as "Machine politicians." The effect upon some members of the Senate was so marked that when I was called to be sworn in, my colleague, Mr. Alcorn, a man who owed his seat in the Senate largely to my efforts, took refuge behind a newspaper, to avoid extending to me the courtesy usual upon such occasions. It was at this point that the grasp of your hand—the first token of friendship that I had received—and your warm words of welcome made me feel and know that in that august body I had a friend. No one who has not undergone a similar ordeal can understand and appreciate my feelings on that occasion.

Since then I have learned to know you, not only as the foremost man in American politics, but as the most practical, sagacious, truest friend of those who lately wore chains.

Mrs. Bruce and I, in giving our first-born, a boy, your name, have entertained but one fear—that he may fall short of honoring the great name he bears. We are made happy by the evidence of your consent and your pleasure in our choice, by the reception of your beautiful and valued gift as a token of it. On behalf of the baby and Mrs. Bruce I here wish to convey to you, as far as these means permit, our gratitude and thanks. Absence from home has prevented an earlier acknowledgment. I am

Very truly yours,

B. K. BRUCE.

Hon. ROSCOE CONKLING,  
UTICA, N. Y.

Senator Conkling's next appearance in public was before the Supreme Court of the United States at Washington, November 11 and 12, in the case of the State of South Carolina *ex. rel.* Douglass and Jackson, plaintiffs in error *vs.* P. C. Gailard, County Treasurer, &c.

This was a writ of error to the Supreme Court of the State of South Carolina, to reverse a decision of the latter court denying a *mandamus* prayed for by the plaintiff in error in the court below.

The object of the *mandamus* prayed for was to compel the County Treasurer to receive, on account of taxes due the State of South Carolina, certain bills issued by the "Bank of the State of South Carolina," which, by the terms of its charter, were made "receivable at the Treasury of the State and by all tax-collectors and other public officers in all payments for taxes or other moneys due to the State."

By an act of December 24, 1878, the State had prescribed certain methods of establishing the validity and genuineness of the bills, but requiring the tax-payer, in the first instance, to pay his taxes in money, and giving him leave afterward to bring an action against the County Treasurer for the recovery of the money so paid.

This latter act was regarded by the plaintiffs in error as a direct impairment of the contract con-

tained in the bank charter. Other questions arose, but were incidental rather than essential, and Mr. Conkling's argument was directed almost exclusively to a demonstration of the inconsistency of the act of December 24, 1878, with the original contract of the bank charter. His argument was exceedingly acute and vigorous, abounding in expressive phrases, and holding the unbroken attention of the judges.

The court was equally divided in opinion, eight justices only being present.

The Hon. Daniel H. Chamberlain was the associate counsel of Mr. Conkling in this case, and he kindly furnished the biographer with the above statement.

Mr. Conkling's attention, however, was speedily called away from legal matters to the more exacting requirements of politics. The Republican National Convention was impending, and the time had come for preliminary measures. He received a letter from a trusty friend, announcing that a most determined effort was in progress to secure anti-Grant delegates from the Oneida district to the State Convention, and asking his advice. There was a sharp conflict, but Mr. Conkling's friends were triumphant; and he was elected a delegate to the Convention, which was about to assemble.

To the letter announcing this result, he made the following reply:

SENATE CHAMBER, }  
WASHINGTON, February 19, 1880. }

*My Dear Sir:*—Your letters, with others in this morning's mail, give me my first information that I have been honored by an election to the State Convention. You seem to have had an ugly contest, which I deeply regret. I doubt if it will be wise for me to attend the Convention—indeed, I think it better not.

I take it the Convention will reflect the views of its constituency, and if so it will be for General Grant overwhelmingly.

Cordially yours,

ROSCOE CONKLING.

The Hon. C. M. DENNISON, UTICA, N. Y.

The movement to nominate General Grant once more for President, had now taken definite form. Mr. Conkling was devoting all his energy to its promotion. With him were associated Senators John A. Logan and J. Donald Cameron. They were opposed, with equal effort, by the friends of opposing candidates. The first redoubt to be carried was the delegation from the State of New York, and to that end every party directed its energies.

The Republican Convention for the selection of delegates was held at Utica, February 25, 1880. The friends of Mr. Conkling were in the majority, and he was chosen to represent the State at large. The delegates were selected, and a test resolution was offered that they should not be pledged to

the support of any candidate. After a warm debate this was voted down—180 ayes to 217 noes. Resolutions were then adopted, instructing the delegates to use their utmost and united efforts to secure the nomination of Ulysses S. Grant. In his remarks upon this question, Mr. Conkling uttered this glowing eulogy :

I believe that if there be one man, the lustre and glory of whose name, the power of whose position, commands the confidence, not only of white men, but of those who were painted black by Nature's brush, and who had the loyalty and faith to cling to the flag in the dark hours, work for it, fight for it and pray for it—if there be any one man on this footstool whom the whites and blacks cherish in their hearts, that man is General Grant.

At first Mr. Conkling was under the impression that it would be injudicious for him to attend the National Convention. He came presently to another conclusion and headed the delegation.

1880.

## CHAPTER XXXI.

### THE CHICAGO CONVENTION.

AT the Republican National Convention in June, 1880, Senator Conkling was the central figure. He was the spokesman of the delegation from New York. They had been instructed, by a decisive vote at the time of their appointment, to support General Grant for the Presidential nomination. This was the last political convention which Mr. Conkling ever attended, and the only one for many years to which he had been a delegate and in which he had been defeated. The author copies from the official proceedings the substance of his remarks at the Convention. Owing to the occasional noise and confusion, the report may not always be verbally exact.

#### FIRST DAY, JUNE 2.

The temporary chairman of the Convention was the Hon. George F. Hoar, of Massachusetts. The roll of States and Territories had been called. Mr. Frye, of Maine, remarked that the name of Utah had been omitted, and moved that it be



called, to which Mr. Conkling objected. Mr. Conkling submitted the point that the National Committee had made up the roll, and it was not in order to move that Utah, Louisiana, or any other State or Territory should be placed on it.

The Chair overruled the point of order, and after further remark declared the question to be upon the adoption of the resolution.

On motion of the Hon. R. C. McCormick it was ordered to call the roll for the presentation of credentials and for contests. When the name of Utah was reached, Senator Conkling presented the protest and other papers of the contesting delegation.

SECOND DAY, JUNE 3.

Upon reassembling, Mr. Conkling inquired whether the Committee on Credentials was ready to report. The Chair replied that the report would not be ready till four o'clock. After some remarks, Mr. Conkling moved to take a recess till six that evening.

Eugene Hale, of Maine, opposed the motion, declaring that the Convention was ready to go on with its business.

Mr. Conkling's reply was introduced by his inimitable irony:

The only work we shall do between now and four or five o'clock is to sit here idle on uncushioned seats—fortunately with backs—whilst a vast number of other persons sit in the galleries

on benches without cushions or backs; and the whole question is whether we shall pass the time here in waiting, or let everybody take care of himself. Mr. Chairman, it is an open secret, and I allude to it because the gentleman from Maine has done so. He says the report of the Committee on Permanent Organization is an uncontested report. It is an open secret that the present organization is to be continued. Although the honorable presiding officer comes from the same portion of country which gives us the gentleman from Maine—a region peopled chiefly by orators [laughter]—I hardly believe that our Chairman will feel bound to indulge the Convention in a second presiding speech. Therefore, could the honorable gentleman have a report from the Committee on Permanent Organization, and have action upon it forthwith—to which I have no objection—he would have a proceeding which, whenever it occurs, will not occupy ten minutes of the time of the Convention; and when that proceeding has occurred we shall have come to the confines of present progress. \* \* \*

When Mr. Conkling had concluded, Mr. Hale spoke in opposition; after which the motion was put and lost. The Committee on Permanent Organization submitted their report which was adopted.

Mr. Frye then moved to take a recess till five o'clock. Mr. Conkling, unwilling to let such an opportunity drop, made a humorous acknowledgment.

I have not the heart, I say, to part with the society of my honorable friends until five o'clock—until after I have congratulated them on this happy issue out of all our afflictions. It is a matter which must stir the patriotism and gratitude of every delegate, that this Convention, in its unorganized state, sublimely rising in its might and grandeur, has been able to achieve the momentous, the critical, the portentous results which have been assured since my motion for a recess was made.

The Convention adjourned until 5:30 P. M.

Upon reassembling, it was moved that the Committee on Rules should report immediately. George H. Sharpe offered a substitute, directing the Committee on Credentials in place of the Committee on Rules to report. Mr. Conkling spoke in favor of the substitute.

The roll of States was then called. New York's vote was forty-seven yeas to twenty-three nays; and the total vote was—yeas 318, nays 406. So the substitute was not agreed to.

#### THIRD DAY, JUNE 5.

As to pledging support to the candidate nominated, Mr. Conkling offered the following resolution:

*Resolved*, As the sense of this Convention, that every member of it is bound in honor to support its nominee, whoever that nominee may be; and that no man should hold a seat here who is not ready so to agree.

After a brief discussion the President put the question, and ruled, "The ayes have it."

*Mr. Brandegee* (of Connecticut): I doubt it, and move that the roll of States be called.

Mr. Conkling then said :

Plainly and audibly, to me and to others, negative votes were given on this resolution, and I respectfully ask the Chair to call the States, that we may know who it is in a Republican Convention that votes "No" on such a pledge.

The roll of States was then called, and the result was: Yeas, 716; Nays, 3. The negative votes were cast by West Virginia. Senator Conkling then addressed the Chair as follows:

Mr. President, I wish to offer a resolution, which in one moment I will reduce to writing, the substance of which meanwhile I will submit orally to the Convention.

The resolution was as follows:

*Resolved*, That the delegates who have voted that they will not abide the action of the Convention, do not deserve and have forfeited their votes in this Convention.

Mr. Campbell, of West Virginia, then rose and protested against the adoption of the resolution. He was followed in the same strain by others. Among these was Mr. Garfield, of Ohio, who insisted that the trio from West Virginia should be allowed to vote according to their wishes. Senator Conkling wrote on a newspaper, "I congratulate you as being the 'dark horse,'" and when General Garfield resumed his seat, he turned to delegate John D. Lawson, of the city of New York, and tearing off the written piece of newspaper said, "Please hand this to Mr. Garfield."

Mr. Conkling foresaw the result. He also interpreted the ulterior meaning of the speech of Mr. Garfield nominating Secretary Sherman.

Mr. Pixley, of California, then moved that Mr. Conkling's resolution be laid upon the table.

Mr. Conkling thereupon said :

Mr. President, to make an inquiry of the Chair, which, although this motion is not debatable, is in order, I beg to inquire of the Chair, there being no difference of understanding around me, whether the delegates referred to in that resolution did state that they would support the nominee of the Convention. The Chair, no doubt, heard what the gentlemen said.

The president declined to construe " the speeches or addresses " of delegates.

The Senator then said :

One word further. If I had, or could have, an affirmative answer to the question I put to the Chair, it would give me great pleasure to withdraw this resolution. I think in some way the Chair might enable us to know whether those are right who did not understand these delegates to say that they would support our nominee, or the gentleman from Ohio is right.

The president ordered the roll to be called, when Mr. Conkling, interrupting, said :

If I am in order—and I believe I am, owing to the purpose for which I rise—I will not insist upon any resolution against even a doubt as to the position of the three members from West Virginia, and although I did not understand the declaration as another member did, rather than run the risk of an injustice to any delegate, *I will withdraw the resolution.*

Mr. Campbell immediately retorted : " In the language of the gentleman from New York, I congratulate him upon his success."

Referring to an explanation by Mr. Conger, of Michigan, concerning a slight change of delegates, Mr. Conkling said :

Understanding that sufficiently, as I believe I do, I beg to ask the president of the Convention or the chairman of the Committee to state to us, as can be done in a moment, what are the topics that will fall within the description of undisputed points of the report. Let us hear them enumerated once. I ask for a mere enumeration.

This request was complied with. The report upon contested delegations was taken up. When the State of Alabama was reached Benjamin Harrison, of Indiana, took an active part. He also moved that "one hour be allotted to the consideration of this question of the contest from the State of Alabama."

*Mr. Conkling* (of New York): Mr. President, I shall vote with great pleasure for a resolution that will enable us at the earliest moment to proceed to and finish the real business of the Convention, and I agree to all that has been said by the gentleman from Indiana [Mr. Harrison]. I ask his attention, and I ask him to agree with me in a word I wish to say about his resolution. The gentleman from Indiana, and the whole Convention, will see that a resolution, in the terms proposed, will not accomplish the purpose that its mover has in view, because he wants, as we all want, a fair opportunity given to both sides. The honorable gentleman will see that if we limit debate to half an hour, if I obtain the floor, or if my honorable friend obtains the floor, either of us may occupy the entire time. Therefore, Mr. President, I venture to suggest that the gentleman from Indiana prescribe so much time for one side and so much time for the other, and let the time be equal.

*Mr. Harrison:* The suggestion of the distinguished gentleman from New York [Mr. Conkling] meets my entire approval. I was simply providing a limit of time for the whole discussion, and I thought that would, of course, be equally divided by the sides that were to discuss it.



*Mr. Conkling:* That would be very uncertain. If my honorable friend will hear me a moment, I know, and he knows better than I—

*Mr. Harrison* [interrupting]: He knows nothing better than the gentleman from New York.

*Mr. Conkling:* Oh yes, Mr. President. Whenever my honorable friend from Indiana or I speak we have two reasons for continuing. In the first place, we like to listen to a sensible man. [Laughter.] In the next place, we are not aware, as we speak, how rapidly time may fly; and some member of the Convention, with the utmost fairness of disposition, having the floor, may speak much longer than he is aware of, and thus abridge the right of the other side. I ask the gentleman from Indiana so to modify his resolution as to prescribe a certain number of minutes, and I suggest to him, say twenty minutes a side—or thirty minutes.

*Mr. Harrison:* I accept the suggestion of the gentleman from New York, and with the consent of my seconder, will so modify the motion as that forty minutes shall be allotted for the consideration of this question, which shall be divided—twenty minutes to the contestants and twenty minutes to the sitting delegates.

\* \* \* \* \*

*Mr. Conkling:* I ask the gentleman [Mr. Turner, of Alabama] to yield to me an instant only. It is suggested by gentlemen around me that, although forty minutes may be enough in the Alabama case, the gentlemen interested in other cases—for example, the Illinois case—may want a longer or a shorter time, and therefore I feel at liberty, as one member of the Convention, to assume that this will not be taken as a precedent for the precise number of moments which may be asked for in another case.

The cases of Alabama and Illinois were then discussed, and the majority report was in substance adopted.

#### FOURTH DAY, JUNE 6.

In reference to the admission of delegates from Utah Territory, Mr. Blake, of Montana, said :

There is no Republican party in Utah. There is no Democratic party in Utah. Whenever an election has been held, lines are always drawn between the Mormons on one side and the Gentiles, or non-Mormons, on the other

Mr. Conkling then created much laughter by asking the question, "Are these the Mormons or the Gentiles?"

The platform was next read. After some discussion the resolutions, with a modified civil service amendment, were adopted. The Convention then took a recess, assembling again at seven o'clock.

Nominations for President were now declared to be in order. The secretary called the roll of States.

Mr. Joy, of Michigan, nominated JAMES G. BLAINE. He was seconded by Messrs. Pixley, of California, and Frye, of Maine.

Mr. Drake, of Minnesota, nominated WILLIAM WINDOM.

Senator Conkling then nominated GENERAL GRANT. Mr. Bradley of Kentucky, seconded him. The Senator's speech is given in full. He said :

"When asked what State he hails from,  
Our sole reply shall be,  
He comes from Appomattox,  
And its famous apple-tree."\*

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\* There has since been much discussion concerning the correctness of these famous lines of Private Miles O'Reilly, but the biographer believes he reproduces them as uttered by the speaker. This verse was suggested to Mr. Conkling on the previous evening by the Hon. Thomas Murphy, ex-Collector of New York.

In obedience to instructions I should never dare to disregard—expressing, also, my own firm convictions—I rise to propose a nomination with which the country and the Republican party can grandly win. The election before us is to be the Austerlitz of American politics. It will decide, for many years, whether the country shall be Republican or Cossack. The supreme need of the hour is not a candidate who can carry Michigan. All Republican candidates can do that. The need is not of a candidate who is popular in the Territories, because they have no vote. The need is of a candidate who can carry doubtful States. Not the doubtful States of the North alone, but doubtful States of the South, which we have heard, if I understand it aright, ought to take little or no part here, because the South has nothing to give, but everything to receive. No, gentlemen, the need that presses upon the conscience of this Convention is of a candidate who can carry doubtful States both North and South. And believing that he, more surely than any other man, can carry New York against any opponent, and can carry not only the North, but several States of the South, New York is for Ulysses S. Grant. Never defeated in peace or in war, his name is the most illustrious borne by living man.

His services attest his greatness, and the country—nay, the world—knows them by heart. His fame was earned not alone in things written and said, but by the arduous greatness of things done. And perils and emergencies will search in vain in the future, as they have searched in vain in the past, for any other on whom the nation leans with such confidence and trust. Never having had a policy to enforce against the will of the people, he never betrayed a cause or a friend, and the people will never desert nor betray him. Standing on the highest eminence of human distinction, modest, firm, simple and self-poised, having filled all lands with his renown, he has seen not only the high-born and the titled, but the poor and the lowly in the uttermost ends of the earth, rise and uncover before him. He has studied the needs and the defects of many systems of government, and he has returned a better American than ever, with a wealth of knowledge and experience added to the hard common sense which shone so conspicuously in all the fierce light that beat

upon him during sixteen years, the most trying, the most portentous, the most perilous in the nation's history.

Vilified and reviled, ruthlessly aspersed by unnumbered presses, not in other lands but in his own, assaults upon him have seasoned and strengthened his hold on the public heart. Calumny's ammunition has all been exploded; the powder has all been burned once; its force is spent; and the name of Grant will glitter a bright and imperishable star in the diadem of the republic when those who have tried to tarnish that name have moldered in forgotten graves, and when their memories and their epitaphs have vanished utterly.

Never elated by success, never depressed by adversity, he has ever, in peace as in war, shown the genius of common sense. The terms he prescribed for Lee's surrender foreshadowed the wisest prophecies and principles of true reconstruction. Victor in the greatest war of modern times, he quickly signalized his aversion to war and his love of peace by an arbitration of internal disputes, which stands as the wisest, the most majestic example of its kind in the world's diplomacy. When inflation, at the height of its popularity and frenzy, had swept both Houses of Congress, it was the veto of Grant which, single and alone, overthrew expansion and cleared the way for specie resumption. To him, immeasurably more than to any other man, is due the fact that every paper dollar is at last as good as gold.

With him as our leader we shall have no defensive campaign. No! We shall have nothing to explain away. We shall have no apologies to make. The shafts and the arrows have all been aimed at him, and they lie broken and harmless at his feet.

Life, liberty and property will find a safeguard in him. When he said of the colored men in Florida, "Wherever I am, they may come also"—when he so said, he meant that, had he the power, the poor dwellers in the cabins of the South should no longer be driven in terror from the homes of their childhood and the graves of their murdered dead. When he refused to see Dennis Kearney in California, he meant that communism, lawlessness and disorder, although it might stalk high-headed and dictate law to a whole city, would always find a foe in him. He meant that, popular or

unpopular, he would hew to the line of right, let the chips fly where they may.

His integrity, his common sense, his courage, his unequalled experience, are the qualities offered to his country. The only argument, the only one that the wit of man or the stress of politics has devised is one which would dumfounder Solomon, because he thought there was nothing new under the sun. Having tried Grant twice and found him faithful, we are told that we must not, even after an interval of years, trust him again. My countrymen! my countrymen! what stultification does not such a fallacy involve! The American people exclude Jefferson Davis from public trust. Why? why? Because he was the arch-traitor and would-be destroyer; and now the same people are asked to ostracize Grant and not to trust him. Why? why? I repeat: because he was the arch-preserver of his country, and because, not only in war, but twice as civil magistrate, he gave his highest, noblest efforts to the republic. Is this an electioneering juggle, or is it hypocrisy's masquerade? There is no field of human activity, responsibility, or reason in which rational beings object to an agent because he has been weighed in the balance and not found wanting. There is, I say, no department of human reason in which sane men reject an agent because he has had experience, making him exceptionally competent and fit. From the man who shoes your horse, to the lawyer who tries your cause, the officer who manages your railway or your mill, the doctor into whose hands you give your life, or the minister who seeks to save your soul, what man do you reject because by his works you have known him and found him faithful and fit? What makes the Presidential office an exception to all things else in the common sense to be applied to selecting its incumbent? Who dares—who dares to put fetters on that free choice and judgment which is the birthright of the American people? Can it be said that Grant has used official power and place to perpetuate his term? He has no place, and official power has not been used for *him*. Without patronage and without emissaries, without committees, without bureaus, without telegraph wires running from his house to this Convention, or running from his house anywhere else, this man is the candidate whose friends have never threatened to bolt un-



less this Convention did as they said. He is a Republican who never wavers. He and his friends stand by the creed and the candidates of the Republican party. They hold the rightful rule of the majority as the very essence of their faith, and they mean to uphold that faith against not only the common enemy, but against the charlatans, jayhawkers, tramps and guerrillas—the men who deploy between the lines, and forage now on one side and then on the other. This Convention is master of a supreme opportunity. It can name the next President. It can make sure of his election. It can make sure not only of his election, but of his certain and peaceful inauguration. More than all, it can break that power which dominates and mildews the South. It can overthrow an organization whose very existence is a standing protest against progress.

The purpose of the Democratic party is spoils. Its very hope of existence is a solid South. Its success is a menace to order and prosperity. I say this Convention can overthrow that power. It can dissolve and emancipate a solid South. It can speed the nation in a career of grandeur eclipsing all past achievements.

Gentlemen, we have only to listen above the din and look beyond the dust of an hour to behold the Republican party advancing with its ensigns resplendent with illustrious achievements, marching to certain and lasting victory with its greatest Marshal at its head.

This is Senator Conkling's most famous short speech. He stood on a reporter's table about one-third of the distance down the hall. A spectator who sat in the last row of chairs at the rear of the building told Mr. John D. Lawson, of New York, that he, at his place, caught every word. Mr. Lawson afterward asked the Senator, "How did you make yourself heard all over the house?"



The latter replied, "By speaking very deliberately, and carefully pronouncing *the vowels*.\*

In answer to a similar question, Daniel Webster once said: "I take good care of *the nouns*."

A gentleman who was present at the Convention says:

No other man in the broad land—not Grant himself — would the 306 have followed. They stood by Conkling. Marvelous sight! Will and honesty triumphing over intrigue and small ambition!

He was the only man in that grand Convention who struck me. More than twoscore of times I saw him walk down the aisle to his place amid the huzzas of ten thousand throats. Stalwart in form, graceful in movement, proud from honest feeling and conscious superiority, he came into that Convention daily, the deerhound of grand politics and not the mongrel of spoils. Popular sentiment was against his views, but the crowd rose to the man. The audience recognized the man and his moral greatness. Whatever may be the degradation of politics and the accidents of ill-educated feeling, at heart and in soul the American people love a brave, true man. I often think the stately form—the Coriolanus of that Convention—overawed the crowd. They bowed before him simply because they feared him and respected his honesty. Garfield got the most cheers, but he did not look the masses in the face. Like Henry Clay, he poured the oil of compromise on every motion, and acted in a negative way in all things. He represented the dominant spirit—but Conkling the inspiration of the heroic and bold. The one got the plaudits which come from desire, the other the shouts which are prompted by the brains and the clear perception of real greatness.

But I will not go into details. I was within twenty feet of both Conkling and Garfield when they respectively nominated

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\* To illustrate how Roscoe Conkling habitually enunciated the vowels, it may be said that he always spoke of a relative whose first name was Eleonora, as El-e-o-n-o-ra.

Grant and Sherman. Never will I forget the scene. On a reporter's table in the centre of the hall, and around him 16,000 spectators, the grand leader of the 306 arose to proclaim his faith and his honest convictions. Handsome in his generous pride, and confident in his own powers and cause, he stood a model for artists, and the admiration of a sickly political world. For full ten minutes a mighty roar kept him silent. But with the calmness of a holy pride he stood and waited for the stillness of reaction. The graceful wave of the hand could not silence the crowd. A MAN was before them, and they knew it. It was not General Grant and his cause, but Roscoe Conkling and his heroic honesty which won the plaudits. \* \* \*

In commenting on this speech the Chicago *Inter-Ocean* remarked:

Mr. Conkling did not address himself to the imagination or the heart alone, but to the reason as well. His picturesqueness had in it the impulse of a battle-charge; his manner was masterful in its consciousness of power; all his methods in modulation, emphasis, and inflection were those of a man who meant to convince.

It was a revelation to the large audience to find a man who could be eloquent with studied composure, who could be fervid without wildness, and who could hold imagery and metaphor to the steady pace of relentless logic without detracting from their special and peculiar character. The orator rode down the purposeful line of his argument, not like a cavalry leader in a charge, but like the commander-in-chief of an army, directing all his resources to one central point. The progress was slow, with every accomplishment of speech, every charm of style, every grace of sentiment, and every beauty of thought held subject to the restraint of close reasoning. The polish given to a sentence but made it cut the deeper. The turn of every graceful period was but the opportunity to complete and clinch and send home an argumentative blow of telling force. The presentation of a gem in rhetorical finish was but the opportunity to say a good word for Grant. The play of sarcasm, the flash of scorn, the sabre-cuts

of severity, and all the pageantry of eloquence were used to help Grant. The address had the warmth of eulogy, the finish of a poem, the force and fire of a philippic. Grant was in every line of it, his spirit breathed in every sentence, his personality lived and moved in the smooth insistence of the magic words, and stood revealed in the climax of the peroration.

After Messrs. Conkling and Bradley had spoken in behalf of General Grant, James A. Garfield nominated JOHN SHERMAN, of Ohio. He began by describing a severe storm at sea followed by the time when "the hour of calm settles on the ocean." Mr. Winckler, of Wisconsin, and Mr. Elliott, of South Carolina, seconded the nomination of Mr. Sherman.

Frederick Billings, of Vermont, next presented the name of GEORGE F. EDMUNDS, of that State. He was seconded by Mr. Sanford, of Massachusetts. At last J. B. Cassoday, of Wisconsin, closed the list of candidates by naming ELIHU B. WASHBURN, of Illinois.

Mr. Brandegee, of Connecticut, while seconding the nomination of Elihu B. Washburne, said of Senator Conkling :

\* \* \* \* \*

The gentleman from New York shakes his head. He shakes his head magnificently. No man can shake it like him, nor shake such rhetoric and wisdom out of it. But let me tell the gentleman from New York he cannot sit down at the ear of every voter and give the argument that he has given to-night against the traditions of our fathers. He may, by the magic of his eloquence, take this Convention and the galleries off their feet in his fervor;

but even his great abilities, even his unmatched eloquence, cannot go down to the fireside of every voter and persuade them that all the traditions of the fathers with reference to a third term are but humbug and masquerade. Does he not know that *his* candidate would be on the defensive, that even the magic name of Grant can hardly carry him in this Convention. Does he not know—no one knows so well as he—that the name of Grant would carry this Convention through by storm if there were not an invincible argument against his nomination?

There being no other nominations, the Convention adjourned till morning. While walking toward the door, Mr. Conkling said to Amos J. Cummings of the New York *Sun*, "How do you feel to-day?" He replied that he felt well, and added, "How does Senator Conkling feel?" Bearing in mind the vivid picture of a "staunch old ship" in a storm, in Mr. Frye's speech concerning Mr. Blaine, and General Garfield's already mentioned reference to the ocean while nominating Mr. Sherman, he answered, "I presume I feel very much as you feel—*sea-sick!*"

#### FIFTH DAY, JUNE 7.

The first business of the day was balloting for Presidential candidates, and the roll of the States was called.

The result of the first ballot was as follows: Total number of votes cast, 755; of which Ulysses S. Grant received 304, James G. Blaine 284, John Sherman 93, George F. Edmunds 34, Elihu

B. Washburne 30, William Windom 10—necessary to a choice 378. New York had divided her vote as follows, Grant 51, Blaine 17, and Sherman 2.

The vote of the State remained the same up to the seventeenth ballot; when it stood: Grant 50, Blaine 18, and Sherman 2.

During the day (Wednesday) twenty-eight ballots were taken without arriving at a choice. The key-note of the Convention had now become: "Anything-to-beat-Grant." On Monday evening delegates from other States visited the room of Senator Conkling and offered him the nomination. They assured him that he would meet with little opposition if Grant was "out of the race." He thus replied to them: "Gentlemen, I appreciate your kind proposition. I could not be nominated in any event, for if I were to receive every other vote in the Convention, my own would still be lacking, and that I would not give. I am here as the agent of New York to support General Grant to the end. *Any man who would forsake him under such conditions does not deserve to be elected, and could not be elected.*"

If he had accepted this proposal he might have received the nomination, and it is not too much to say that his election would have been a foregone conclusion. Hence it may be said that Roscoe Conkling declined an opportunity of becoming

President of the United States. He further declared that either Grant or Blaine should be nominated, and that there must be *no dark horse*.

SIXTH DAY, JUNE 8.

At ten o'clock the president called the meeting to order and said, "Another ballot will be taken. The clerk will call the roll."

On the thirty-fifth ballot the followers of Grant mustered their full strength, and gave him 313 votes.

On the thirty-sixth ballot the "deadlock" was broken. The total number of votes cast was 755. Necessary to a choice, 378, of which,

|                            |      |
|----------------------------|------|
| James A. Garfield received | 399. |
| Ulysses S. Grant           | 306. |
| James G. Blaine            | 42.  |
| Elihu B. Washburne         | 5.   |
| John Sherman               | 3.   |

The New York delegates gave fifty votes for General Grant and twenty votes for General Garfield.

The president then declared the result: "James A. Garfield, of Ohio, is nominated for President of the United States. Shall the nomination be made unanimous?"

Thereupon Senator Conkling, being on his feet, thus addressed the chair:



James A. Garfield, of Ohio, having received a majority of all the votes cast, I rose to move that he be unanimously presented as the nominee of the Convention. The Chair, under the rule, anticipates my motion; but, being on my feet, I avail myself of the opportunity to congratulate the Republican party of the United States upon the good-nature and the well-tempered rivalry which has distinguished this animated contest. [Several delegates, "Louder!"] I would speak louder, but, having for hours sat shivering under the cold wind of these open windows, I find myself unable to do so. I was in the act to say that I trust the zeal, the fervor, and now the unanimity, seen in this great assemblage will be transplanted to the field of the final conflict, and that all of us who have borne a part against each other will be found with equal zeal bearing the banner, with equal zeal carrying the lance of the Republican party, into the ranks of the enemy.

Mr. Benjamin Harrison, of Indiana, briefly addressed the Convention. He referred to having received "one vote from some misguided friend from Pennsylvania."

The question was then taken and the motion adopted.

The nomination for Vice-President being the next business in order, the roll was again called, and Chester A. Arthur, of New York, was nominated on the first ballot, receiving sixty-nine out of seventy votes from his own State.

It has been asserted that this nomination was a boon to Roscoe Conkling to secure his support of General Garfield. To deny this is almost supererogatory. Senator Conkling had failed in his efforts to effect the nomination of General Grant.

The men who had succeeded in making General Garfield the candidate were now panic-stricken lest they might not secure the full vote of the Republican party. Governor Dennison, of Ohio, was authorized to request Mr. Conkling to name a candidate for the Vice-Presidency. He sternly refused to make any suggestion. Then other New York delegates were asked to propose a name. Both Chester A. Arthur and Stewart L. Woodford were considered, and General Arthur won the prize. The Convention at 7:30 in the evening adjourned *sine die*.

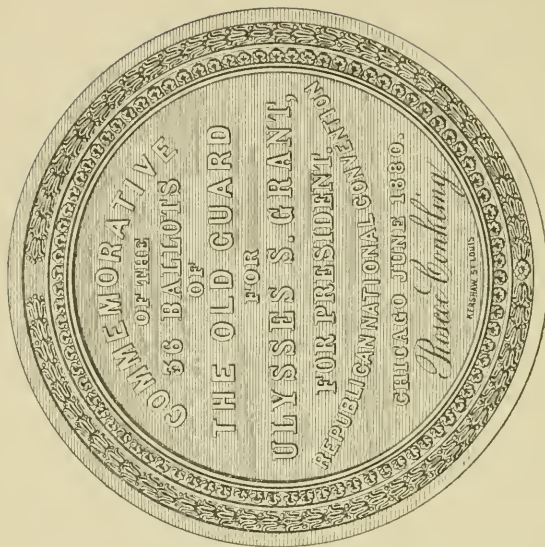
On his return home Senator Conkling remarked to a friend: "This is my first and last National Convention." Senator Conkling then received from General Grant the following grateful letter:

MILWAUKEE, WIS., June 10, 1880.

MY DEAR SENATOR CONKLING:

I hoped to see you in Chicago yesterday morning on my way here, but was informed on my arrival there that you had left for Washington the night before. Just before starting, however, I heard that you had delayed your departure until the morning, and were still therefore in the city. But as a special train was then awaiting me, and a small party going with me from Chicago, and it was about the time you would probably be starting, I was disappointed in the opportunity of thanking you in person for your magnificent and generous support during and before the Convention. I feel very grateful to you and the three hundred and odd who stood with you through your week's labors. Individually, I am much relieved at the result, having grown weary of constant abuse—always disagreeable, and doubly so when it





comes from former professed friends. I have no presentiment as to what is likely to be the result of the labors of the Convention, or the result of the election which is to follow, but I hope for the best to the country.

Mrs. Grant asks me to present her kindest regards to you and to Mrs. Conkling.

Very truly yours,

U. S. GRANT.

Some months after, Chauncey I. Filley, a delegate from St. Louis, caused "Grant" medals to be struck for the 306.

1880.

## CHAPTER XXXII.

### THE PRESIDENTIAL CAMPAIGN.

GENERAL GARFIELD was escorted from Chicago to Ohio by a band of enthusiastic friends. On the homeward journey his lieutenant, with ill-timed enthusiasm, publicly thanked God that the nation had been delivered from "Grantism." Editors of anti-Grant newspapers congratulated the Republican party upon its supposed emancipation from the "baneful rule" of Grant and Conkling. Although the supporters of General Grant, it was understood, would have no voice in directing the policy of the Republican party, the friends of Garfield confidently reckoned upon their hearty co-operation in the election of the candidates nominated at Chicago.

While, however, they were felicitating each other in this way, the Democratic journals opened an attack upon General Garfield. They began by publishing his official record, copying it from the leading Republican newspapers of the year 1873. The friends of Mr. Garfield soon perceived that



their prospects of success were clouded. It became a serious question : Where are the votes to come from ? Senator Conkling had been unstintingly abused. His dignified silence, however, was felt by them to be ominous of possible defeat. It was of vital importance to obtain his active co-operation.

During the month of June, while Congress was still in session, General Garfield visited Washington. He endeavored to obtain a private interview with Senator Conkling, but the latter, leaving his card in the usual way, warily avoided him. General Garfield then wrote the following letter :

RIGGS HOUSE,  
WASHINGTON, D. C., June 17, 1880. }

*Dear Senator:* I am sorry to have missed your call. Will you please name a time—to-morrow—when I may call on you at your room. I wish to see you away from the crowd of callers.

Very truly yours,

J. A. GARFIELD.

Hon. ROSCOE CONKLING,  
Wormley's.

Mr. Conkling's reason for avoiding a personal conference with the candidate was that he was unwilling to trust to Mr. Garfield's imperfect memory of a private conversation, however unimportant. }

Mr. Conkling was not willing to be a party to any agreement with the candidate that required

secrecy. He anticipated the course which Mr. Garfield would pursue if he should be elected, and hence would submit no proposals. He desired no pledges concerning the control of patronage in New York. In fact, he detested pledges in politics.

In the early part of August the famous Fifth Avenue Hotel conference of Republican chieftains took place. It is said to have been planned to afford the Presidential candidate a reason for visiting the city of New York. It was believed that Mr. Conkling could not then avoid meeting him. He, however, saw through the artifice. Visiting at the house of his brother in Tenth Street, he failed to occupy the chair which had been reserved for him in the private parlor of the Fifth Avenue Hotel.

A gentleman who was present gives the following account of the meeting :

\* \* \* In that conference, General Garfield stated that, in the event of his election to the Presidency, it was his intention to appoint one of his Cabinet officers from New York, and that in making federal appointments in New York which extended beyond a Congressional district, he would consult the party organization as represented by the Senators in Congress, the Vice-President, the Governor of the State and the State Committee, and that he would be guided by such organization, provided the persons recommended were fit and proper for appointment.

Among the offices he specifically mentioned by way of illustration were, United States District-Attorneys, United States Marshals and the Collector of the port of New York. That in reference to federal appointments within Congressional districts, he would consult with the Republican representative in Congress

from such district, and that whenever an appointment within a district assumed importance and magnitude reaching in its political effect beyond a Congressional district, like consultation would be had with reference to such appointment as in the case of United States District-Attorneys, Marshals and Collector of the port of New York.

Never for a moment during the canvass were the two men alone with each other; and not till February 16 or thereabouts did they meet in private conference. On that occasion the Senator was summoned to Mentor by a letter written on January 31, 1881. The President-elect then stated that he wished "to consult you (him) on several subjects, \* \* \* and especially in reference to New York interests."\*

It has been asserted that during the summer of 1880 Senator Conkling would not enter the canvass until he could go to Mentor and make a bargain with the candidate. The author simply gives the facts in rebuttal of this calumny.

Mr. Garfield's friends had been earnestly pleading and endeavoring to persuade Mr. Conkling to take an active part. He quaintly replied, "There are some matters which must be attended to before I can enter the canvass." This remark was taken up by the newspapers as a theme for ridicule, and repeated throughout the Northern States.

Strong appeals had already been made to Gen-

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\* This letter is published in *fac-simile* on page 634.

eral Grant to enter the canvass. He had yielded at last to the wishes of his Republican friends. He sent for Senator Conkling and asked him to "enter the field." The latter hesitated. He had no favors to ask, he remarked, in the event of Mr. Garfield's election, and knowing him personally, he feared that "he would be humiliated in his own State." He also said of the candidate: "There's no sand in him." This remark he often repeated during the canvass. At General Grant's urgent solicitation, however, Mr. Conkling decided to speak in the campaign.

When giving his consent he remarked: "If you insist on my speaking for him, I shall carry him through;" but he meant to speak for the Republican party and not for the candidate. A friend of the Senator then remarked: "If Mr. Garfield is indebted to Mr. Blaine for his *nomination*, he will have to thank Mr. Conkling for his *election*." Finally Mr. Conkling adjusted his private business and was able to place himself at the disposal of the Republican State Committee. There was no State Convention to meet in the autumn. His first action had been to purchase from his clients the legal services which they had retained him to perform. To this end he returned the sum of \$18,000, including one fee of \$10,000! This amount, added to other expenses, made the total

\$29,000. Certainly this amount, in all fairness, should be regarded as Roscoe Conkling's contribution to the election of Garfield and Arthur.

As Senator Conkling had placed himself under the orders of the State Committee, General Arthur, who had lately been the chairman, asked him to make three speeches in Ohio, and told him what places he, in a consultation with General Garfield, had selected.

The Democrats carried Maine at the State election in September. This was inauspicious to their adversaries. Zealous Republicans in the city of New York had contributed many thousands of dollars to that State, and Mr. Blaine's influence at home had failed to secure a victory. At this moment when all were disheartened, Roscoe Conkling threw himself into the breach by addressing an immense meeting of citizens at the Academy of Music in New York on September 17. To give the reader an idea of the number of the audience, it may be said that private boxes containing four chairs were occupied by ten persons; some were sitting on the floor, some standing, and others leaning against the walls.

General Lloyd Aspinwall called the assemblage to order, and read a letter from General Grant to Chester A. Arthur. He then introduced, as the presiding officer, the Hon. Hamilton Fish, who was

perhaps, the oldest living political friend of Mr. Conkling. After a few well-chosen remarks he presented the Senator to the audience. He spoke for three and a half hours. His discourse was not read, but delivered from head-lines on large envelopes which, as already stated, had long been the orator's custom when speaking from notes. The speech was fully reported in the New York journals. It was afterward printed as a campaign document, making a 12mo of sixty pages. Although the night was excessively warm, the audience, many of whom were standing in the aisles, corridors and boxes, remained till the close of his speech. Tickets of admission had been issued, and so great was the demand that 20,000 were given out by the managers of the meeting. This was, with few exceptions, the largest and most enthusiastic audience that the Senator ever addressed.

It was generally conceded that this oration was the pivot of the Republican canvass. Even such a strong Democratic organ as the *Sun* said that the campaign had "languished" up to this time. While the Senator was speaking, the veteran editor, Thurlow Weed, tottered upon the stage leaning upon the arm of Alderman John J. Morris. The venerable gentleman was greeted with loud cheers, and turning to see the source of the applause, Mr.



Conkling advanced, and, shaking his hand, escorted him to an adjacent chair.

Mr. Conkling next set out for Ohio. General Grant having persuaded him to enter the campaign, it was agreed that they should meet at Warren and canvass the State together.

Referring to the Senator's Western trip, George C. Gorham in June, 1888, said:

The history of politics in this country records no instance where, within a like period, the speeches of one man produced such an effect as did those of Senator Conkling in that month of September. Never before were such multitudes assembled together. Never before were great popular assemblages so swayed by any man, if Mr. Clay be alone excepted. The party was aroused as it had not been since the war. Hope succeeded to despair. The tide of battle was turned, and when the great New Yorker had spoken at Warren, Cleveland, Cincinnati, Indianapolis and Lafayette he had saved the day. General Grant's presence and his brief and striking addresses, especially the model one at Warren, were most important elements in this unrivaled campaign, but the matchless eloquence of Conkling touched the popular heart, and brought out the reserves of the party for the result which they alone could insure.

The election of Governor Porter in Indiana in October made Republican success possible in New York, but that result was only finally assured by the triumphal march of Grant and Conkling through the State on their return from the West to New York City. Who will pretend that, but for the exertions of these two patriotic men and faithful Republicans, there was the least chance for Garfield to carry Indiana or New York or to be elected President?

The election of Garfield and Arthur was, as we have seen, made apparently impossible by the loss of Maine under Blaine's leadership in September. It was made again possible by the

work of General Grant and Senator Conkling in Ohio and Indiana in October, and made certain by their final efforts in New York.\*

The campaign trip of General Grant and Senator Conkling began at Warren, Ohio, September 28, 1880. In this connection a local paper published the following:

Some forty thousand people, notwithstanding the inclement weather, came from adjacent towns, in all kinds of vehicles. People from Champion, Bristol, Southington, from Democratic Lordstown, and from all parts of the county, came to greet and cheer the great General and his companions, and to listen to the words of wisdom that were sure to come from that sturdy statesman and great orator, Senator Roscoe Conkling, of New York. It was a great day for Warren—a great day for Ohio. Speeches were made by General Grant and Senator Conkling. In the party accompanying these two illustrious men were General Logan, ex-United States Senator Simon Cameron, the Hon. Amos Townsend, U. H. Painter, of the Philadelphia *Inquirer*, J. E. Heistand, of the Lancaster (Pa.) *Examiner*, Messrs. John Tod, S. T. Everett, George W. Howe and others. The meeting between General Grant and Senator Conkling (it being their first since the General's return from his famous trip around the world) was most cordial, and evoked from the multitude much cheering. Some one proposed three cheers for Senator Conkling, and they were given with a will, the honored gentleman turning with a pleasant smile and bowing to the throng.

There were two meetings at Warren. At one of them the hero of Appomattox made a short speech. It was issued as a campaign document in the following form:

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\* It has been stated that Mr. Conkling had "opened the political ball" in New York, but General Grant was not hopeful, for he had lately told a friend that he thought the Democrats would carry Indiana and Ohio.

“THE CASE SUMMED UP IN SEVEN MINUTES BY GENERAL GRANT.”

At Warren, Ohio, on the twenty-eighth of September, the Honorable Roscoe Conkling addressed a Republican mass meeting, and General U. S. Grant presided.

Before introducing the Senator, General Grant said:

In view of the known character and ability of the speaker who is to address you to-day, and his long public career, and association with the leading statesmen of this country for the past twenty years, it would not be becoming in me to detain you with many remarks of my own. But it may be proper for me to account to you on the first occasion of my presiding at political meetings for the faith that is in me.

I am a Republican, as the two great political parties are now divided, because the Republican party is a national party seeking the greatest good for the greatest number of citizens. There is not a precinct in this vast nation where a Democrat cannot cast his ballot and have it counted as cast. No matter what the prominence of the opposite party, he can proclaim his political opinions, even if he is only one among a thousand, without fear and without proscription on account of his opinions. There are fourteen States, and localities in some other States, *where Republicans have not this privilege.*

This is one reason why I am a Republican. But I am a Republican for many other reasons. The Republican party assures protection to life and property, the public credit, and the payment of the debts of the Government, State, county, or municipality so far as it can control. The Democratic party does not promise this; if it does, it has broken its promises to the extent of hundreds of millions, as many Northern Democrats can testify to their sorrow. I am Republican, as between the existing parties, because it fosters the production of the field and farm, and of manufactories, and it encourages the general education of the poor as well as the rich. The Democratic party discourages all these when in absolute power. The Republican party is a party of progress, and of liberty toward its opponents. It encourages the poor to strive to better their children, to enable them to compete successfully with their more fortunate associates, and, in fine, it secures an entire equality before the law of every citizen, no matter what his race, nationality, or previous condition. It tolerates no privileged class. Every one has the opportunity to make himself all he is capable of.

Ladies and gentlemen, do you believe this can be truthfully said in the greater part of fourteen of the States of this Union to-day which the Democratic party control absolutely? The Republican party is a party of principles; the same principles prevailing wherever it has a foothold. The Democratic party is united in but one thing, and that is in getting

control of the Government in all its branches. It is for internal improvement at the expense of the Government in one section and against this in another. It favors repudiation of solemn obligations in one section and honest payment of its debts in another, where public opinion will not tolerate any other view. It favors fiat money in one place and good money in another. Finally, it favors the pooling of all issues not favored by the Republicans, to the end that it may secure the one principle upon which the party is a most harmonious unit, namely, getting control of the Government in all its branches.

I have been in some part of every State lately in rebellion within the last year. I was most hospitably received at every place where I stopped. My receptions were not by the Union class alone, but by all classes, without distinction. I had a free talk with many who were against me in war, and who have been against the Republican party ever since. They were, in all instances, reasonable men, judged by what they said. I believed then, and believe now, that they sincerely want a break-up in this "Solid South" political condition. They see that it is to their pecuniary interest, as well as to their happiness, that there should be harmony and confidence between all sections. They want to break away from the slavery which binds them to a party name. They want a pretext that enough of them can unite upon to make it respectable. Once started, the Solid South will go as Ku-Kluxism did before, as is so admirably told by Judge Tourgee in his *Fool's Errand*. When the break comes, those who start it will be astonished to find how many of their friends have been in favor of it for a long time, and have only been waiting to see some one take the lead. This desirable solution can only be attained by the defeat, and continued defeat, of the Democratic party as now constituted.\*

Mr. Conkling wished to proceed directly to Cleveland. General Grant, however, insisted that they should stop at Mentor in order to pay their respects to Mr. Garfield. Ex-Senator Simon Cameron had also requested the orators to visit Mentor, as will be seen by the following extract from his recent letter to the author :

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\* The following item is taken from a Warren (Ohio) newspaper. "After the monster meeting General Grant and Senator Conkling left the grounds in the same carriage. The Senator bared his head to the multitude. As the driver started away there was a rush for the carriage, with cries, 'Unhitch the horses!' but the driver whipped up and escaped with his cargo."

“ At the instance and urgent solicitation of Mr. Garfield, I met General Grant and Mr. Conkling at Warren, O., shortly before the Presidential election in 1880, and prevailed upon them to visit Mr. Garfield in Mentor.”

On the preceding day Mr. Cameron had seen the Presidential candidate at Mentor, and soon afterward said, in substance, to a friend: “I told Mr. Garfield that he had no chance unless those men (Grant, Conkling and Logan) supported him.”

It may interest the reader to know that Senator Conkling was very particular about paying for his private car and his hotel bills during this tour through Ohio and Indiana. The following reminiscences are taken from the Oswego (N. Y.) *Times*, in which they were published soon after his death.

In referring to the story of Roscoe Conkling's connection with the Garfield campaign, the Buffalo *Express* has this to say:

It is true he was strangely scrupulous in avoiding pecuniary or other personal obligations. He certainly paid every cent of his own expenses in the Garfield campaign, and would not allow anybody—committee or other—to settle a hotel bill or pay even hack hire on his account. But this was not a political distaste; he was very proud. From but very few even of his intimate friends—only from those of whose love as well as fidelity he felt perfectly sure—would he accept the slightest favor, or even courtesy, that involved an expenditure of money. He carried this sense of pecuniary independence so far that it became actually a weakness on the part of a strong man. But many great men of whom the world has heard would have been stronger than they were if they had been afflicted with Conkling's peculiar weakness.



In confirmation of this, the writer remembers that on the night after Mr. Conkling's great speech in Albany during the Garfield canvass, Mr. Conkling, feeling the need of refreshment, went with the writer to the "Windsor." He was followed by the local committee and many prominent gentlemen, who, on Mr. Conkling's invitation, took seats at the tables, he officiating as host. Near the close of the entertainment Mr. Conkling whispered a request to the writer that he should be sure and settle the bill before it was done by any one else, which he did. The Committee and other gentlemen went to the cashier and found that the bill had been settled by the writer, and paid no further attention to the matter. A serenade and a reception followed at the Delavan House, after which Mr. Conkling asked what the amount of the bill was. He was told, "It was no matter; it had been paid and it was all right." He then said: "If you do not wish to offend me, you will tell me the amount of that bill. If I meet you, and you invite me to refreshments and pay the bill, or *vice versa*, socially, it is all right; but I am now out on this political canvass, and I have not allowed any committee or any one else to defray any portion of my expenses, and Albany must not be an exception. So," said he, "if you do not wish to offend me most seriously, you will tell me just how much that bill was, and I shall pay it." And of course, under the circumstances, he was told.

The railroad companies made no charge for the transportation of the Grant-Conkling "caravan," for the reason that their speaking-tour brought thousands to Warren, Cleveland and other towns. In this way, by running excursion trains on purpose to enable many to hear Mr. Conkling's addresses, the company profited richly. Uriah H. Painter acted as "advance agent," and while in Philadelphia procured an order for trains and cars.

On September 29 the party visited the Presidential candidate at Mentor. As already stated,



Ex-Senator Simon Cameron had come to Warren directly from General Garfield, at the request of the latter, to urge upon Mr. Conkling the importance of this visit. It would solidify the party, he declared, and create general enthusiasm. Mr. Conkling pleaded that Mentor was out of their way, and it would greatly inconvenience him to stop there long. General Cameron immediately procured an assurance from the railroad officials on the special train that the party could go by way of Mentor with little inconvenience, and reach Cleveland in time, provided he did not remain more than half an hour. General Grant added his solicitations, and Mr. Conkling consented. They arrived at Mentor in the midst of a heavy rain, and took carriages at once for General Garfield's house, three-fourths of a mile away. As they drove up, General Garfield came out to them, bare-headed, and embracing the Senator, exclaimed

*"Conkling, you have saved me! Whatever man can do for man, that will I do for you!"*

Several stenographic reporters accompanied the party to the house, in the hope of obtaining a good "story" to telegraph to their journals. Mr. Painter has told the author what took place on this occasion.

When the company reached the mansion of Mr. Garfield, he complained bitterly that the Ohio

Republican Central Committee could not raise enough money to carry the State. On entering the house, the Senator turned to Mr. Painter, and said, "Don't you leave me one moment while I am here." He was then presented to the mother of the Presidential nominee, and they, together with Mr. Painter, sat on the sofa. General Garfield urged the Senator to take lunch, but he declined with thanks. The General then seemed much embarrassed, and said to Mr. Conkling, "Come up-stairs to my study." While walking through the hall, the latter placed his hand on Mr. Painter's shoulder and whispered, "Remember what I said to you." The trio went to the floor above and entered the library. Suddenly turning round, Mr. Garfield saw that a third person was present, and looked at him as if to say, "What are *you* doing here?" This was an awkward position for Mr. Painter. He was an unwelcome guest in a gentleman's room. The door remained open, and no political topics were discussed. In about fifteen minutes other persons came in, and this ended the "conference." After some informal conversation, the company returned in carriages to the railway station. Leaving Mentor, General Grant and Mr. Conkling, with their party, proceeded by special train to Cleveland, where the Senator was to speak in the evening.

According to competent judges, this speech was the best one of the series during the campaign. He explained the policy of the Republican party in building up the nation. This was, perhaps, the most elaborate discussion of the tariff that he ever gave.

Concerning Mr. Conkling's speech at Cleveland, one of the Cincinnati newspapers of October 2 said, "It was different from his speech at Warren; and that in New York on September 17 was unlike either." The same authority thus continues: "So, also, was the speech at the Highland House, last night, a change from anything the versatile Senator from New York has uttered during the campaign. Political speech-makers generally cannot bear reporting, as they repeat themselves. Mr. Conkling is an exception."

At Cincinnati Mr. Conkling spoke, October 1, to an immense throng, thousands of people being unable to get within sound of his voice. It was admitted by the local newspapers to have been the greatest political meeting that was ever held in that vicinity. The next day, at the Highland House, he addressed several thousand eager listeners, and was afterward entertained by the Lincoln Club. He then took an airing behind the famous mare, Maud S.

The Senator went next to Indiana, where he

made four lengthy speeches to large assemblages. The people of the southeastern part of the State, to the number of 30,000, flocked to the city of Richmond to hear him. He then went to Terre Haute, where, according to the local journals, some 35,000 persons gathered to greet him. His speech there lasted three hours.

When Senator Conkling concluded his speech to the acres of people on the battle-field of Tippecanoe, gray-haired hearers, in their admiration of him, went so far as to say that they had always regarded Henry Clay as the greatest orator that America ever produced, but they must now acknowledge that Roscoe Conkling surpassed him. Ex-Senator Henry S. Lane, there known as "the old man eloquent," told U. H. Painter that the Terre Haute speech was "the best he had ever heard." In short, the Senator, although famous as an advocate and orator in the East and at Washington, was not personally known to Western audiences until the summer of 1880.

During the remainder of the canvass, Senator Conkling spoke in the following cities in the State of New York: Albany, Owego, Utica (twice), Rochester, Buffalo, Lockport, Jamestown.

It will be seen that the Senator made about twenty speeches in behalf of Garfield and Arthur. They were delivered during the last six weeks of

the campaign in New York, Ohio and Indiana. The addresses varied in length from one to nearly four hours.

In the opinion of many competent witnesses, his rallying to the aid of the Republican candidates saved a forlorn hope.

Defeat was staring General Garfield in the face, when Roscoe Conkling raised the flagging spirits of his supporters and redeemed the fortunes of the day.

“One blast upon his bugle horn  
Were worth a thousand men.”

The election took place November 6. The Republican candidates carried every Northern State except New Jersey, and received a plurality of about 10,000 in the popular vote. Their majority in the electoral college was fifty-nine.

An eminent citizen of Utica, who is not a politician, furnishes the following reminiscences of the Garfield campaign :

As a campaign orator no one, in his day, at least, could be compared with him in the eloquent presentation of the questions at issue. His magnificent presence, his peculiar and most impressive manner, the tones of his richly-modulated voice, the sincerity and fervor of his utterances, all conspired to make him not only the prince of American orators, but to a wonderful degree the hope and idol of his party. All the jealousies and perils this exalted pre-eminence brought with it, he encountered in his own bitter experience. No one knew better than he what he owed to his party, no man ever felt more deeply his obligations for the honors

bestowed upon him, or strove more conscientiously to meet all the demands of patriotic service, by an almost slavish devotion to the high trusts committed to him. This conscientious and whole-souled devotion to the discharge of every official duty, not only made him indifferent to selfish and personal considerations, but often exposed him to the most unjust criticisms of those whose opinions he could not adopt, or whose selfish interests he would not condescend to serve. They charged him with "sulking in his tent," and certain newspapers pursued him with false and malignant charges during weeks of great bodily suffering, aggravated by the cruel shafts of personal detraction that pierced and wounded his sensitive nature—shafts aimed too often by those he had lifted into positions of prominence and power. Those who regarded Mr. Conkling as of so imperious a nature as not to be moved by the opinions and unjust criticisms of others made a sad mistake in their estimate of his character. With all the delicacy, sensitiveness and refinement of a gentlewoman, he united the strong and robust qualities of a splendidly endowed gentleman, and revealed these different phases of his personality all along the pathway of his eventful and useful life. To the poor and friendless especially, he often manifested his personal regard and sympathy, and many were the hopeless and suffering ones that were cheered by his tender acts and affectionate words.

Could his political enemies have known how their cruel assaults wounded his proud but sensitive spirit, they surely would have spared him those years of painful experience he silently endured from their unjust and malignant attacks.

The apparent reluctance with which he entered with General Grant upon the Garfield campaign can be explained only on the theory that he foresaw, in the event of success, that he was to be humiliated in his own State, and exposed to the political treachery of an administration he was expected to do his utmost to elevate into power. Although painfully conscious of the dangers that threatened him, and in spite of the warnings of cherished friends, out of loyalty to the party he believed in and loved, placing his political life in peril, he entered upon that campaign, and, by a series of splendid speeches in the Western States, indispensably aided in winning the victory.



He said to the writer, just before entering upon that campaign: "*But for the disgrace, I would rather spend the time required in Mohawk Street jail than enter upon it.*"

It was truly said of Mr. Conkling by an eloquent eulogist that "Poverty was his priceless crown." The end of his service in the councils of the nation found him poorer in money, as we believe, than when he entered upon it. That opportunities for enriching himself were at least equal to those of many who became reputed millionaires during a much less period, no one will for a moment doubt. Conspicuous among them all, there was no one whose influence and power would be so likely to be sought after, or, if rendered, so sure of reaping richer rewards. Many, doubtless, were the temptations offered him to engage in schemes or to undertake enterprises which would have filled his empty pockets with easily earned gold.

It was not until he entered upon the practice of his profession in the city of New York, after his retirement from the Senate, that he knew what it was to earn money freely for himself.

That was indeed a dark day to him when, at length, he entered upon the experiment (as he regarded it) of practicing his profession in the city of New York. With a very large indebtedness pressing upon him (contracted through the ill-advised solicitation of others), with heavy expenses attending his preparation for business, the outlook to him appeared most gloomy and discouraging. In a great city full of able and successful counselors, who for years had occupied its most valuable positions for business, he seemed to feel that his own opportunities and claims for success were small indeed. When first settled in his new offices, and ready to receive business, a friend from Utica called upon him and found him despondent, full of doubt and painful apprehension as to his ability to make a place for himself in this new and most trying competition.

So deeply was this friend impressed by what he witnessed that he said to Mr. Conkling, "I have \$1,000 for which I have no use, and would regard it as a favor if you would make use of it;" to which he replied, "Not from you, my friend—not from you." It is hard to understand how this great man could have had so little faith in his own ability and efforts, when all others

were so confident that he could find no place so filled with eminent talent that he could not, almost at once, rise to the highest and richest results. Yet such was the fact, which, more clearly than any words, revealed a modesty and want of self-appreciation that many have never given him the least credit for possessing.

Immediately after his return from the West (during the Garfield campaign), in which he delivered a succession of speeches that attracted the admiration and applause of the country, the writer, referring to them in eulogistic terms, was surprised to find in him no response and no feeling of personal pride, or even satisfaction, in view of all the ovations he had received in his triumphant progress through the great cities of the West. Such was my own astonishment at this apparent indifference that I said to him, "How can it be possible that all this splendid work brings to you no feeling of gratification? It seems to me one might almost as well be destitute of such powers as to find no personal satisfaction in the exercise of them."

The only explanation of such singular indifference is in the belief that his ideal was so far above his supposed attainment that his best efforts appeared to himself not much less than failures. Like the sculptor who had chiseled an exquisite statue only to break it in pieces because it did not reach the impossible ideal existing only in his own imagination; so also may the limitations of language baffle all the efforts of genius to express and embody its highest aspirations.

No public man has been so thoroughly misunderstood and so sadly misrepresented. Possibly much of this erroneous estimate has grown out of the circumstances in which his political life was passed. The acknowledged leader of his party, and possessing, as he did, clear and positive views on needed measures and fit men, his strong nature and clear foresight of methods for attaining desired results compelled him often to disagree with lesser men, and act in an independent manner, and apparently with an imperious will. It was his born right to be a leader of men and of his party; and had the party but followed his advice and heeded his warnings, it would not have fallen into the disgrace of a need-less defeat.

It was because of his commanding nature and superior power

that he became at length the target for jealous aspirants who, fearing him, conspired to humiliate and drive him from the high positions he not only adorned, but ennobled by filling them.

It does not seem possible that any man could measure himself by stricter or more unyielding rules of personal integrity than Mr. Conkling. He appeared to carry this rigid self-discipline beyond the bounds of mere honesty and uprightness, and constantly denied himself a latitude of choice and action which to almost any other man would have appeared consistent and right.

If, during the intense excitement of a Presidential campaign, his engagements called him within a State where there was reason to believe money was improperly used, he would permit no confidences of that kind to be revealed to him, but made all haste to get beyond the chance of such knowledge.

To attribute to such a man, so careful of his honor and integrity in every phase of life, public and private, sentiments or actions unworthy or unjust, was to inflict a wound and commit a wrong that time could not efface or heal.

The few last years of his political life were years of disappointment and much mental distress, because his services were ignored, his motives distorted, and his life of careful and ceaseless devotion to his duties and responsibilities was misjudged, and by many condemned.

It was not until he sought refuge from political persecution in the practice of his profession that the old pleasant smile, the former cheerfulness of heart, and the free play of his exuberant nature returned, to obscure the memories and cover the scars unkindly and cruelly received in the battle of his intensely earnest and busy life.

In these professional pursuits all know how rapidly he attained pre-eminence, and how unexampled was his success in a profession where his legal antagonists were among the greatest and ablest in the land.

The same splendid endowments that enabled him to become a great and shining power in his profession would have also continued him as the successful leader of a victorious party, but for the jealousies, hate and treachery of men banded together to persecute, defame and crush him. It is pleasant to reflect that

before his end came, people of all parties joined in the common recognition of the value of his great services, and were proud to claim him as one of the greatest, truest and purest of American statesmen.

Mr. Conkling was not an ambitious man in the sense generally understood by this designation. That he desired and sought to obtain power, his commanding position always at the head of political contests amply proves. Endowed by nature with mental abilities of the highest order, and impelled by an instinctive force he could neither create nor resist, he naturally assumed the duties and responsibilities of a leader, and this was by common consent acknowledged as his rightful place. But mere personal ambition to govern or to shine formed no element of his character. If he sought power, it was only to employ it for the attainment of some beneficent end, and to advance what he believed to be the highest interests of State and nation. The political power he obtained was expended in the advancement to places of responsibility those whom he regarded as most fit to be honored and trusted. The end of his ambition appeared to be attained when others than himself became the recipients of the dignities and rewards of his unselfish and patriotic endeavors. How often his success in the advancement of others was rewarded only by desertion and ingratitude, no one at all familiar with recent political history need be told, but few, perhaps, are aware how bitterly the desertions of those he had trusted and honored wounded and stung his proud but confiding spirit.

Soon after the election of Garfield and Arthur, Mr. Conkling told an intimate political friend that it was his purpose to resign from the Senate and resume the practice of law in the city of New York. "I have helped elect Garfield," said he, "but I can have no voice in his Administration. I am heavily in debt, and I wish to pay up and provide for the future." His friends urged him to abandon his intention, and he finally decided to yield to their wishes.

## PART THIRD.

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1880-1881.

### CHAPTER XXXIII.

HIS LAST YEAR IN PUBLIC LIFE—PRESIDENT GARFIELD  
—RESIGNATION FROM THE SENATE—HIS DEFEAT AT  
ALBANY.

**D**URING the third session of the Forty-sixth Congress Mr. Conkling made no important speeches. Adhering to his habit of rarely speaking upon measures which neither concerned the general welfare nor the State of New York, he did not take a leading part in the open sessions of the Senate.

During the winter he engaged in the debates concerning the franking privilege, the bills referring to the army appropriation, the pensions, the Mexican awards, the regulation of suits for infringements of patents, the post-office appropriation, the Congressional Library building, the naval construction fund, the monument to mark the birth-place of George Washington, the proposition "To establish a bureau of animal industry, and to

suppress contagious diseases among domestic animals," the New York and Connecticut boundary line, and last, but not least, his favorite topic—"the count of the electoral votes."

Mr. Conkling also presented the petition of a committee of the Association of the Bar of the city of New York, praying that the salaries of the United States Judges in the State of New York be increased.

In January, 1881, the Senator received from Mr. Garfield the following letter. It was enclosed in a second envelope, which bore the address, "Only for Senator Conkling." It is here inserted in *fac-simile*.

Leaving Washington, Mr. Conkling arrived at Mentor February 16. On meeting the President-elect, he was cordially received. A long conversation followed, which involved the reputations of so many persons still living that the biographer does not feel justified in publishing even the substance of it at the present time; but it may be said *en passant* that the conference was not wholly satisfactory to Senator Conkling.

His warm friend, Matthew H. Carpenter, a Senator from Wisconsin, died February 24, 1881. Mr. Conkling was one of a committee of five Senators appointed to escort the remains to Milwaukee.

In delivering to the Governor of Wisconsin



My dear Mr. Garrison  
I have just  
received your letter of the  
10th inst. and am  
glad to hear that  
you are well and  
hopeful. I am  
also well and hope  
to hear from you  
soon. I am  
yours truly  
Wm. Lloyd Garrison

Mentor, O. Jan'y 31, 1881.

Dear Senator:

As the time is near at hand, when I must enter upon my new duties, I would be glad to consult you, on several subjects relating to the next administration — and especially in reference to New York interests —

It does not seem possible for me to visit Washington at

present; and I write  
to Express the hope  
that you will do me  
the favor to visit me  
here, at as early a  
day as possible.

Very Truly Yours

J. A. Garfield

Mrs. Roscoe Conkling  
Washington D.C.



the remains of Senator Carpenter on April 10, 1881, Mr. Conkling made the following brief address :

GOVERNOR : We are deputed by the Senate of the United States to bring back the ashes of Wisconsin's illustrious son, and reverently and tenderly return them to the great Commonwealth he served so faithfully and loved so well. To Wisconsin the pale and sacred clay belongs, but the memory and the fame of Matthew Hale Carpenter are the nation's treasures, and long will the sisterhood of States mourn the bereavement which bows all hearts to-day.

In the debate upon the sundry civil bill, which was reported in the Senate March 2, 1881, Senator Conkling opposed the amendment "To enable the Secretary of the Treasury to reimburse the President for the amount paid for expenses of the commission appointed to go to Louisiana (in the matter of the electoral count) in April, 1877, \$3,950.73." He said :

If that amendment is to be agreed to, I shall ask that it be on a vote by yeas and nays, with some confidence that on such a vote it will be rejected, as it has been so often before, not only here, but in another place to which I have no right to allude.

The amendment was defeated.

On a previous occasion he spoke of the "visiting statesmen" as tourists, who in the bill were called commissioners.

A few days before the inauguration of President Garfield, an old friend visited the Senator at

Washington. Mr. Conkling remarked to him that the great mistake of his own life had been the acceptance of a political career before he had accumulated by his profession a sufficient fortune to make him pecuniarily independent. "You see these two rooms," said he; "they are the best I can afford, and by the utmost economy it is as much as I can do to make the strap and the buckle meet at the end of the year."

When Mr. Garfield read his inaugural address Senator Conkling stood directly behind him. It was remarked by several that this nearness was an indication of the friendship which was supposed to exist between them.

In fact, Mr. Conkling's relations with President Garfield had never been unpleasant. Though preferring General Grant as a candidate, he had labored magnanimously for Garfield in the Presidential campaign, and this service had been most warmly acknowledged by the President-elect when he invited the Senator to visit him at Mentor.

The blow that sundered these relations came like a clap of thunder out of a clear sky. The President removed an experienced and worthy public officer in the city of New York, whose term was but half completed, in order, apparently, to reward a politician for personal political service.

This course was insisted upon in spite of the



strong remonstrances of the Vice-President, and of the sole member of the Cabinet from New York, as well as of her two Senators. Governor Cornell, in fact, sent to Washington a distinguished citizen of the State of New York to say personally to the President that he regarded the nomination as a great mistake, and to urge him to withdraw it, but all was of no avail.

At a caucus of the Republicans Senator Conkling made a statement of the case. It is said that every member present, by a rising vote, expressed his disapproval of the course of Mr. Garfield. They all agreed to remonstrate with the President, and ask him to withdraw this nomination. A committee was also appointed to wait upon the President and inform him that his action was likely to divide the Republican party in New York.

When President Garfield was informed of this action of the caucus he expressed much indignation, saying that he did not propose to be dictated to, and that any Republican Senator who voted against this nomination would thereafter receive no favors from the Executive.

He also said that the Senators who, in this instance, opposed him would henceforth require "letters of introduction" to him.

The Senate, as if conscious that wrong had been done, determined to consider other nominations in

New York. Suddenly the President withdrew them all except the one to which there were objections. Several Senators told Mr. Conkling that the President had stated to them that it would be unpleasant for any Senator who should oppose the confirmation of this particular candidate.

The two Senators from New York, having employed every honorable effort to arrange this matter amicably and justly, came reluctantly to the conclusion, after much deliberation and consultation, that it was their duty to resign their positions as Senators. Their action, they believed, would call the attention of the Empire State and of the nation to this high-handed attack upon the rights and independence of the Senate.

The following extracts from their letter to Governor Cornell, of New York, will best set forth the situation:

WASHINGTON, D. C., May 14, 1881.

*Sir:* Transmitting, as we do, our resignations, respectively, of the great trusts with which New York has honored us, it is fit that we acquaint you, and through you the Legislature and people of the State, with the reasons which, in our judgment, make such a step respectful and necessary.

Some weeks ago the President sent to the Senate in a group the nominations of several persons for public offices already filled. One of these offices is the Collectorship of the port of New York, now held by General Merritt; another is the Consul-Generalship at London, now held by General Badeau; another is Chargé d'Affaires to Denmark, held by Mr. Cramer; another is

the mission to Switzerland, held by Mr. Fish, a son of the former distinguished Secretary of State. Mr. Fish had, in deference to an ancient practice, placed his position at the disposal of the new Administration, but, like the other persons named, he was ready to remain at his post if permitted to do so. All of these officers, save only Mr. Cramer, are citizens of New York. It was proposed to displace them all, not for any alleged fault of theirs, or for any alleged need or advantage of the public service, but in order to give the great office of Collector of the port of New York to Mr. William H. Robertson as a "reward" for certain acts of his, said to have "aided in making the nomination of General Garfield possible." The chain of removals thus proposed was broken by General Badeau's promptly declining to accept the new place to which he was to be sent.

#### CHALLENGE TO THE SENATE.

These nominations summoned every member of the Senate to say on his oath whether he "advised" such a transaction. The movement was more than a surprise. We had been told, only a few hours before, that no removals in the New York offices were soon to be made or even considered, and had been requested to withhold the papers and suggestions bearing on the subject, which had been sent to us for presentation should occasion arise, until we had notice from the President of his readiness to receive them. Learning that the Vice-President was equally surprised, and had been equally misled, we went to Mr. James, the Cabinet officer from our State, and learned that though he had spent some time with the President on the morning of the day the nominations were sent in, no disclosure of an intention to send them had been made to him, and that he first knew of the matter by hearsay following the event. After earnest reflection and consultation we believed the proceeding unwise and wrong, whether considered wholly in relation to the preservation and integrity of the public service and the public example to be set, or in relation also to the integrity of the Republican party. No public utterance of comment or censure was made by either of us in the Senate or elsewhere; on the contrary, we thought that the President would reconsider an action so sudden and hasty, and would at

least adopt less hurtful and objectionable modes of requiring personal or individual service.

In this hope the following paper was prepared and signed, and presented by Mr. James to the President, who was subsequently informed that you had authorized your name to be added also:

*To the President.* We beg leave to remonstrate against the change in the Collectorship at New York by the removal of Mr. Merritt and the appointment of Mr. Robertson. The proposal was wholly a surprise. We heard of it only when the several nominations involved in the plan were announced in the Senate. We had only two days before this been informed from you that a change in the Customs office at New York was not contemplated; and, quite ignorant of a purpose to take any action now, we had no opportunity, until after the nominations, to make the suggestions we now present. We do not believe that the interests of the public service will be promoted by removing the present Collector and putting Mr. Robertson in his stead. Our opinion is quite the reverse, and we believe no political advantage can be gained for either the Republican party or its principles. Believing that no individual has claims or obligations which should be liquidated in such a mode, we earnestly and respectfully ask that the nomination of Mr. Robertson be withdrawn.

CHESTER A. ARTHUR.

T. C. PLATT.

THOMAS L. JAMES.

ROSCOE CONKLING.

#### THE PROTEST OF NEW YORK.

Immediately after the nominations were published, letters and telegrams in great numbers came from every part of the State, from its leading citizens, protesting against the proposed changes and condemning them on many grounds. Several thousands of the leading mercantile firms of New York—constituting, we are informed, a majority of every branch of trade—sent us remonstrances. Sixty of the eighty-one Republican members of the Assembly, by letter or memorial, made objection. Representatives in Congress, State officials, business men, professional men, commercial, industrial and political organizations, are among the remonstrants, and they speak from every section of the State. Besides the nominations already referred to, there were awaiting the action of the Senate several citizens of New York named for offices connected with the courts, district-attorneys and marshals.

These were all reappointments. Most of them had been originally commissioned by Mr. Hayes. They were certified by the judges of the courts and many other eminent persons, who attested the faithfulness and merit of their service, and recommended their continuance. They were not presented by us.

*We have not attempted to "dictate," nor have we asked the nomination of one person to any office in the State. Indeed, with the sole exception of the written request set forth above, we have never even expressed an opinion to the President in any case unless questioned in regard to it.*

\* \* \* \* \*

The Legislature is in session. It is Republican in majority, and New York abounds in sons quite as able as we to bear her message and commission in the Senate of the United States.

With a profound sense of the obligation we owe, with devotion to the Republican party and its creed of liberty and right, with reverent attachment to the great State whose interests and honor are dear to us, we hold it respectful and becoming to make room for those who may correct all the errors we have made, and interpret aright all the duties we have misconceived.

We, therefore, inclose our resignations, but hold fast the privilege, as citizens and Republicans, to stand for the constitutional rights of all men, and of all representatives, whether of the States, the nation, or the people.

We have the honor to be,

Very respectfully, your obedient servants,

ROSCOE CONKLING.

THOMAS C. PLATT.

To His Excellency Governor CORNELL, Albany, N. Y.

When Senator Conkling resigned, it was his intention to devote himself immediately to the practice of the law. Unfortunately he allowed himself to be overruled. Resolute as he was, and strong as was his will, those who knew him best will admit that, except on questions of right and

wrong, Mr. Conkling did not claim to be the sole judge of the best course to pursue in matters which touched the interests of friends as well as his own. He had the support of the great body of his party, but he recognized that much of this was due to the generous efforts of prominent individuals throughout the State, and he conceded their right to a voice in all serious political movements of his own. He wished to address the people of the city of New York in some public place, that he might give them an account of his stewardship, and might set forth clearly before them the cogent reasons for his resignation. In this he allowed himself again to be overruled.

Several days later, it was arranged by the "Stalwarts" (as his friends were now called) that a conference should be held at the house of Chester A. Arthur, No. 123 Lexington Avenue, New York. The meeting occurred May 22, and the following persons were present: Chester A. Arthur, T. C. Platt, Louis F. Payn, Charles M. Dennison, George H. Sharpe, John F. Smythe, A. B. Johnson and Roscoe Conkling.

The conference lasted two hours, and each person was asked to pass judgment upon the future course of the two Senators. Each individual present spoke in turn. The sense of the meeting was



that the two Senators should proceed to the State capital.\*

The two resigning Senators accordingly went to Albany to watch their political fortunes.

After the election of his successor† he returned quietly to New York. Here he began the practice of the law with most gratifying success. He was soon at ease, in a pecuniary sense, and he won without delay the high appreciation of clients, of his brethren of the bar and of the courts, both of the State and of the nation.

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\* In later years Mr. Conkling often talked with one who was present at General Arthur's house, declaring his regret that he had yielded, against his own convictions, to the urgent requests of his "friends," and gone to Albany on that errand.

† On July 22, 1881, when Mr. Conkling was advised of Mr. Lapham's election as Senator (to succeed him), he sent the following despatch from New York to the Hon. James Armstrong, member of Assembly from the first Oneida district:

"The heroic constancy of the Spartan band, which so long stood for principle and truth, has my deepest gratitude and admiration. Borne down by forbidden and abhorrent forces and agencies, which never before had sway in the Republican party, the memory of their courage and manhood will long live in highest honor. The near future will vindicate their wisdom and crown them with approval. Please ask them all, for me, to receive my most grateful acknowledgments."

1850-1888.

## CHAPTER XXXIV.

RÉSUMÉ OF HIS PUBLIC CAREER—SOME ANECDOTES.

NOW that Senator Conkling's public career is ended, a review of his political life may be here given.

In the spring of 1850 he was appointed to fill a vacancy in the office of District-Attorney of Oneida County. At the autumnal convention he was nominated as his own successor without opposition. During the next eight years he sought no public position with the exception of the office of Attorney-General, in the fall of 1853, when the "slate" was broken at the eleventh hour by a corrupt clique of political managers. In the spring of 1858 he accepted, under protest, the nomination for Mayor of Utica, and was easily elected.

His friends offered him, without solicitation on his part, the nomination for Congress in the following autumn. He was four times renominated without serious opposition, and thrice successful by a large majority. In the winter of 1867 he was, after five ballots in the Republican legislative cau-

cus, elected to the Senate; and in January, 1873 and 1879, he was again chosen, having been the only candidate of the caucus.

In the months of June and July, 1881, owing to a collision with the Executive, and, perhaps, the unworthy use of money, he was defeated as his own successor.

It will thus be seen that Roscoe Conkling's political career extends through thirty-one years, of which twenty were passed in both Houses of Congress.

The writer comes now to a very important matter—his influence on legislation.

Strictly speaking, Senator Conkling was not an originator of legislative measures. In this respect he was like Calhoun, Webster and Seward.

During Conkling's career he introduced but few bills which became laws. Of these measures, one, the trade-mark law, was declared unconstitutional by the Supreme Court of the United States. He had no ambition to make a record as an introducer of bills. In fact, comparatively few members of a legislative body draw up the measures which they offer. Such matters are frequently suggested by commercial bodies or manufacturers. Mr. Conkling carefully examined resolutions and bills before introducing them. He was often asked to propose amendments to the Constitution and to

revise certain laws, but he refused to act. He was not an originator, but a molder of legislation.

The author has been told by gentlemen who have served on committees with Senator Conkling that he was very quick to recognize defects in a bill. He would read it once, and then point out clearly to his colleagues wherein the measure would not work well. During his public career he drew very few bills. His forte was in criticising a measure, and suggesting changes to meet the needs of the people and the requirements of the period. Some explanation of this may be found in his thorough knowledge of law, and his eminently practical method of feeling the public pulse.

His patient and steady work in the committee-room, which was and ever will be a sealed book to the world, had much to do with the perfection of crude measures. While in the Senate his great talent for analysis, and matchless eloquence, caused bills to become laws despite determined opposition. Like Edmund Burke, he did not believe "in a blind and furious system of innovation under the name of reform." His knowledge of jurisprudence taught him that when an apparent remedy for existing evils in the shape of a bill was introduced, the enactment of the measure might work injustice to a class of persons that the framer never intended to reach.

It is not too much to say that without the efficient aid of Roscoe Conkling on the floor of the Senate, many bills might have become laws, which would afterward have been pronounced unconstitutional by the Supreme Court, or which would have been injurious to some of the many complex interests of the republic.

In his *Personal Recollections*, 1887, George W. Julian says of Mr. Conkling; "He never linked his name with any important principle or policy." If in this sentence the writer means that Roscoe Conkling never "named" a bill in the sense that the *Spaulding* legal-tender act, the *Bland* silver law, and the *Mills* tariff-reduction bill were fathered by the introducers, he is correct.

On the other hand, if Mr. Julian's phrase "linked his name" is to be construed as having had no part in shaping or passing or defeating "any important principle or policy," he is wholly in error. During his entire Congressional career Mr. Conkling was foremost in the consideration of bankruptcy bills. He also drafted and introduced a bill to provide supervisors and deputy marshals at elections for Congressmen, which became a law.

The adage *sic transit gloria mundi* may well be applied to Roscoe Conkling's legislative work. He did much for which he was never given credit. A few examples will suffice. His share in the

struggle for Reconstruction, and in the legislation growing out of it, was of the most onerous character. As Chairman of the Senate Committee for the Revision of the Laws, he spent many busy days in perfecting the federal Statutes. Yet no publicist has ever connected the name of Mr. Conkling with these measures.

In a caucus of Republican Senators during the year 1876 Roscoe Conkling offered a resolution fixing January 1, 1879, for the resumption of specie payments. It was adopted, but the Senator from Ohio (Mr. Sherman), who was then chairman of the Committee on Finance, has received credit for being the father of this all-important measure.

The author may, however, go further back in Mr. Conkling's Congressional career. One of the leading representatives in the Thirty-sixth Congress says that, although but thirty years of age, the hand of Roscoe Conkling was seen in the legislation of that period. In January, 1862, he rose to a question of privilege on the floor of the House of Representatives, and offered an original resolution calling the War Department to account for refusing to furnish information concerning the slaughter of Union troops at the battle of Ball's Bluff. The resolution was adopted, and it required a brave man to come into collision with that department in those days.



During the greater part of President Grant's administration, Senator Conkling was to a large extent the power behind the throne. He advised General Grant to veto the "Inflation" bill in April, 1874.

In his eloquent defence of General Sheridan, in January, 1875, he foreshadowed the subsequent Southern policy of the President. After leaving the White House, General Grant said to a relative of the biographer, "For the ability to seize and solve problems of State, Roscoe Conkling has had no equal in this country."

The Senator who introduced the bill to establish the "Electoral Commission" of 1877, states in a letter to the author that "his (Conkling's) powerful aid" enabled this measure to become a law.

It may be said that during his last seven years in the Senate (1874-1881) no other member of that body has, since the time of Webster and Clay, exercised so much influence on legislation.

The biographer has thus dwelt at some length upon this portion of Roscoe Conkling's career for the reason that he should be given his proper place in the legislative history of the United States.

A man will, in the long run, show what he *is* by what he *does*, and the motives which influence him as a man will, nevertheless, influence him as a law-maker.

The following article from the *Daily Graphic*, August 1, 1878, concerning "Senator Conkling as a Statesman," may be considered an index of public sentiment :

\* \* \* We may roughly characterize all those persons as statesmen who, whether in or out of office, or whether seeking or avoiding office, aim directly or indirectly at leading and guiding a people, either through administration, legislation, or discussion. And we may say that, excluding mere administrators, all statesmen—all political leaders—fall roughly into three classes:

1. Men of a cause, advocates of an idea—unpopular, very likely; in a word, doctrinaire pioneers to search out the road for the great mob of leaders and people.

2. Men of affairs—the men of action and execution, who extract all the honey that the doctrinaire bee has gathered, and who sometimes kill the bee in the operation. These men are like the inventors who turn the abstract principles of the philosophers to practical use. They are the real leaders of men who are never with the mass of the people, nor so far ahead of them that they cannot be seen.

3. Men of expression, of explanation and diction—the eloquent commentators on and expounders of accomplished facts and realized political theories.

Of the first class our history contains a great number. All the anti-slavery agitators belonged to it. Ahead of their time, in one sense, they formed the public opinion of which the constructive statesmen of the second class took advantage when the time was ripe. \* \* \*

Of the second class, perhaps Henry Clay is the most prominent example in the public mind. His great qualities as a leader—a kind of phonograph which caught up and intensified and gave voice to the feeling of the time—is still a controlling tradition in politics. But nearly all our great statesmen belonged to this class. \* \* \*

At the head of the third class—a position which he will, in all human probability, always retain—stands Daniel Webster, the

expounder *par excellence*. And in my opinion Roscoe Conkling belongs to the same class. He is a commentator, not an originator or adapter—a man to express in fit words the thought that a thousand persons before him had uttered in words not so fit. Senator Conkling is not the man to make a political creed; he is not the man to seize upon certain ideas floating in the public mind and give them firmness and consistency; he is not the man to rally a party to their support, nor yet to place himself in any untried position. But he is the great and dignified Senator to expound and defend political creeds, and to lead parties to the support of known and acknowledged causes and leaders. \* \* \*

One who would well know Mr. Conkling's career must not only examine the record of the debates during his twenty years of service in Congress, but must hear the testimony of his associates with whom he shared the unrecorded toil of the committee-room. Much of the most important work of public men is done there, beyond the public view, where measures are scrutinized, and where reports are prepared to prove their propriety and necessity. The names of the leading committees upon which Mr. Conkling served have already been stated, and he sometimes worked, as some other Senators did, through the night until the rays of the rising sun brightened his committee-room. Mr. Conkling may now be considered as a public man.

Few men in official life have been so systematically misrepresented. The public read of him chiefly through that portion of the press that was uniformly

hostile to him; and from such sources there was, of course, no recognition of the virtues and the distinguished public services which, at the end, made him widely and favorably known to every class of men.

Seven years of private life augmented rather than lessened the public interest in him. Although out of the stream of politics, and with no intention of again engaging in partisan contests, his influence was felt and his power feared.

After his resignation from the Senate he preserved a dignified silence, and never again publicly referred to the causes which led to his political retirement. He would not contend for the good opinion of any one, nor did he seek applause during his public addresses; yet he was glad to earn the approbation of his fellow-men. He was the very embodiment of duty and truth, and was always opposed to shams. He enjoyed honest opposition, but with hypocrites he had no patience. His magnificent contempt was reserved for meanness and false pretensions.

Few men were more considerate of the feelings of others. This trait of his character was noticeable when persons in the humble walks of life came to him and appeared diffident and unable clearly to state their business. He promptly put them at ease, not by condescension, but by the skilful exercise of that kindness without which

no man, however cultivated, can be considered a gentleman. It was often said that he was haughty and overbearing, but he was not. He had a very sensitive, nervous temperament, and when he was overworked or worried he had the human infirmity of impatience and irritability. He had a powerful will, and would not be swerved from a course of action which he had decided to carry out.

He had great independence of judgment, and respected that of others. Although of very strong convictions, he was not too positive in his own opinions—at least he always admitted that he might be mistaken, but he rarely erred in making a statement.

He had great courage, both moral and physical. This was often shown in his public denunciations of slavery, of force and fraud at the ballot-box, and of the oppression of negroes in the South. He ignored danger and the risk of personal injury if they lay in his path. To give an example, it may be said that he was once traveling on a train from Washington to New York when an intoxicated passenger took the seat which he had temporarily vacated, and which contained his luggage. He asked the conductor to notify the intruder that the place was wanted, when the former stated that the drunken man was armed, and he hesitated to remove him. "Then," replied Mr. Conkling, "if that

is the case, let me deal with him." He lifted him by the shoulders, and carrying him to another seat said, "Sit there, sir!"

He was not a tuft-hunter. He valued his wealthy no more than his most humble friends, and rated them upon the basis of their capacity to make themselves agreeable. He was very grateful for acts of kindness or assistance rendered him, and whoever had once done him a favor had forever after a claim upon his gratitude. Those who did not know Mr. Conkling intimately thought he was reserved and unapproachable. When he had work (either political or professional) to be done, he would not give himself up to idle conversations; but when his engagements would permit he cheerfully devoted an evening to friends, and for hours indulged in familiar talk, oftentimes leading his hearers in both wit and wisdom.

Many men, who were inclined to be hostile, became his admirers after making his acquaintance. He loved his friends warmly, and often referred to them in conversation. Concerning them he would listen to no harsh criticism; and in a few cases during his latter years he refused to heed the advice of members of his family regarding the dissolution of undesirable ties of friendship. Those who were his friends in prosperity remained such



when overtaken by adversity. He never betrayed one, but he was betrayed by many.

In summing up Mr. Conkling's political career, the careful observer is struck by the fact that he did not depend upon patronage for his position to make him popular as a leader.

Out of fourteen years in the Senate, eight were passed in an indifferent if not a hostile attitude toward the (Republican) President.

During his thirty years of public life Mr. Conkling had but *one relative* appointed to office. This kinsman served during fifteen months as assistant United States Attorney for the Southern District of New York.

The following letter explains itself.

NEW YORK, January 31, 1889.

MY DEAR MR. CONKLING—\* \* \* The appointments made by me on Senator Conkling's request numbered four (perhaps five). \* \* \* This was during my eight years as Postmaster.

The Senator never was a place-hunter, nor was he in any sense a spoilsman.

Very truly yours,

THOS. L. JAMES.

ALFRED R. CONKLING, Esq.

The following letter gives further testimony on this subject.

NEW YORK, May 11, 1888.

HON. A. R. CONKLING:

*My Dear Sir:* Your letter of May 7th is received, in which you ask me to put in writing the statement I made to you some days ago in reference to the number of times which your uncle,

the late Roscoe Conkling, made application for the appointment of his personal friends to office during the administration of General Grant. Of course I can only tell you what my father and Senator Conkling have said to me upon this subject.

Some time ago, but after my father left the Executive Mansion, we were talking upon the subject of Presidential appointments, and how they were made. He told me, that while he was President he had adopted the three following methods. First: He appointed anyone whom he especially desired as his own personal appointment. Second: When a Senator or Representative wished a personal friend appointed, he generally granted their wish. This was especially the case for postmasterships of the cities or towns from which the Senator or Representative came. Third: The great majority of his appointments were made from a list of those recommended to him by the State delegations (Senators and Congressmen). I asked my father if Senator Conkling obtained many places for personal friends. My father replied, No; Senator Conkling had never asked him for one appointment during his Presidency.

I afterwards repeated the above to Senator Conkling, and he told me that he had written one letter, and one only, asking for a personal appointment—that of Colonel J. Schuyler Crosby. \* \* \*

Hoping that the above covers what you desire, and assuring you of my deep interest in the book you are preparing, I remain,  
Cordially yours,

F. D. GRANT.

In his brief life of Mr. Conkling, James P. Boyd says “he had a character which has been persistently misunderstood, unnecessarily, not to say wilfully, depreciated, and which was always too ‘far from the madding crowd’ and too exalted by nature to tender apology, proffer explanation, or seek vindication.”

With no man could these words be truer than

with General Garfield, whose untimely and disastrous death forever closed the lips of Mr. Conkling. He then said, "My lips are sealed; I cannot go into a grave for vindication."

Wishing to evade the strangers and place-seekers, Senator Conkling oftentimes walked to the Capitol on Sundays, in order to secure some freedom from constant interruption.

Concerning Senator Conkling, Mr. Amos J. Cummings gives the following reminiscences in the *New York Sun*.

His championship of the Grant administration, and his matchless tilts with Schurz and Sumner over the French arms exposé, made him more conspicuous than he had ever been before. It was just after this debate that I first met him. I had been sent to interview him. I had formed a dislike toward him from what I had read in the newspapers concerning his turkey-cock disposition. I sent my card to his room in a Philadelphia hotel, and was invited up-stairs. He greeted me very courteously, assuring me that he knew me well by reputation, and talked with me freely. He concluded by asking me not to use his name in detailing the information I had received. Without the use of his name it was almost valueless. I tried to induce him to change his mind, but he was firm set, and his name was not used. There was an indescribable charm about his manner. I never saw a man so sociable and yet so dignified. He made me perfectly at ease from the time I entered his room. He did most of the talking himself, and he found a good listener. When I took my leave he accompanied me to the door, and even went as far as the head of the stairway, saying "Good night" in the cheeriest tones as I descended the steps.

I next saw Mr. Conkling in the Rochester Convention, where he met George William Curtis in debate. It was the famous

carpet-knight man-milliner speech. \* \* \* He was dressed with scrupulous neatness. He stood with head erect and shoulders thrown back, a Saul among Republican politicians. The imperial curl danced above his broad forehead, and his Venetian beard was as pointed as his nose. His eyes were blue and flashing, his voice was remarkably sonorous, and his gestures were natural and graceful. It was probably the most remarkable speech of his life. The most of the ideas were evidently preconceived. He had apparently expected the encounter and was prepared for it. He was spurred to the highest point of vehemence. Curtis had stung his dignity, and there was nothing that would fire Conkling with sarcasm as quick as this. He carried the day by sheer force of eloquence and animal magnetism.

Mr. Conkling has been called "a good hater." It is true; but he was also a steadfast friend. It is not too much to say that no man in the United States ever espoused more warmly the cause of a friend than did Senator Conkling in his championship of President Grant.

The New York *Tablet* of May 5, 1888, published the following:

Roscoe Conkling had an exceedingly genial way in dealing with reporters who were known to him. He was always happy and pleasant in his manners, frankly told them what they wanted to know, but invariably wound up the interview by resting his white hand on the reporter's shoulder and saying: "You will please to remember, my friend, that I have not said anything for publication." Then he would explain how publicity might hamper him in his legal cases. His confidence was always respected. Since he established himself in New York he was frequently called out of bed long after midnight in response to a reporter's call. Even at that hour he was genial, witty and obliging, as far as he could be. A short time ago a reporter told him that he would like above all things to print some of the interesting con-

fidential chats he had had with him. The reporter dilated on the avidity with which newspaper readers would read such matter. The Senator only smiled and said: "Wait till after my death, my friend; wait till I am dead."

Just before his death the following item ran the rounds of the public journals:

Roscoe Conkling, according to a current newspaper item, when spoken to the other day about the possibility of his being the Republican candidate for the Presidency, remarked: "My dear sir, that is sheer nonsense! Why, you might as well set a corpse up in a window to look at a funeral procession go by as to nominate me for the office of President of the United States!"

To a correspondent who asked Mr. Conkling for some expressions on political questions a few years ago he wrote a letter in which he said:

When the Persian embassy was about to take leave of the Grecian Court, in olden time, they asked and received some message of the personages present. When the turn of Zeno came, he said: "Tell your master that you saw a gray-haired old man in Athens who knew enough to hold his tongue."

Please ascribe to my admiration for Zeno and his teachings my silence touching your forecast of my action in the politics of the future.

The following two characteristic stories of Mr. Conkling were published in a San Francisco newspaper in the spring of 1888:

Dwight Lawrence, especially during the period of ex-Governor A. B. Cornell's chairmanship of the Republican State Committee, came into close relationship with Roscoe Conkling. He tells some stories of occurrences that grew out of this acquaintance. On one occasion he was sent to Newark to ask Mr. Frelinghuysen to come to New York to make a speech. He drove out



to Mr. Frelinghuysen's house, where he was met by a point-blank refusal. "It is a matter not only of great regret to me that you refuse," said Mr. Lawrence in his blandest tone, "but also of positive and serious personal inconvenience and annoyance."

"Why, how can that be?" asked Mr. Frelinghuysen.

"Well, sir," replied Lawrence, "I always obey orders. Senator Conkling told me to get a team and drive out here after you, and not to come back until you should come with me. I shall be obliged to drive around here until you change your mind." Mr. Frelinghuysen laughed, changed his mind at once, and was soon on his way to New York.

At a later date Mr. Lawrence went to Utica to ask Mr. Conkling to go to Philadelphia to make a speech. Mr. Conkling was resolutely opposed to going. Mr. Lawrence told his story of his experience with Mr. Frelinghuysen. It set Mr. Conkling to laughing, and he finally acceded to the request.

This Philadelphia meeting, which was addressed by Mr. Conkling, was one of the notable political gatherings of the Quaker City, and is still remembered there. Many citizens came to hear Mr. Conkling in dress suits, accompanied by their wives in full evening dress. The Opera-House looked more like an audience assembled to hear Italian opera than to listen to a political speech. As Senator Conkling was finishing his dinner at the hotel, Senator Don Cameron came to see him, in full evening dress. Senator Conkling had on a business suit of pepper and salt woolen goods. There were a number of New Yorkers and Philadelphians at the table.

"Don't you want to be excused for a few minutes, Senator, to get on your other suit?" asked Mr. Cameron.

Mr. Conkling stared at Mr. Cameron as if he did not quite understand, and finally, as if half-comprehending, stood up, and looking down over his manly figure, said:

"This is all the suit I have here. You don't mean to say that they will expect me to appear in evening dress?"

When it was explained to him that this was the expectation of Philadelphia political audiences, he replied:

"Well, I think they'll have to take me as I am. Why, in my State, if I should appear before a political audience in a dress suit, I should expect to be mobbed!"



Senator Conkling had a very high, nervous temperament. He could not bear to have a person put his foot upon the round of his chair. He often feared he would lose his case in court when thus troubled by an ill-bred neighbor.

Freeman Thorpe, an artist in Findlay, Ohio, says in a letter to a friend of Mr. Conkling:

I once hurt Senator Conkling cruelly while going out hastily through the swinging doors of the Senate chamber just as he was coming in. Of course it was an accident, but he bore the pain with so much politeness and freedom from even momentary irritation or resentment that it completely won my admiration, and afterward, when I knew him and comprehended his grand qualities, I considered him one of the grandest figures in American public life.

The following anecdote appeared in the *New York Mail and Express* during his fatal illness:

An old telegraph operator says: Years ago I was employed by the Philadelphia, Wilmington and Baltimore Railroad at the junction a few miles out of Baltimore. One afternoon an unusually handsome and athletic man entered the little station. "Does the limited express for Washington stop here?" he inquired. "No, sir," I replied. "Can you stop it?" "Not without orders from the main office." "I will explain my situation to you," said the stranger, "in the hope that you will do all in your power to aid me. I came from Washington to intercept at Baltimore a gentleman who is on his way from New York to the Capital. He is on the limited express. It is of the greatest importance I should see him before he reaches Washington. A railway conductor directed me to the Union Station, where he said the limited would stop, but I lost my way and wandered here after a long tramp." Telling him I would see what I could do for him, I telegraphed to Philadelphia for permission to stop the express. "You might use my name if you think it would be of any use," said the gen-

tleman. "And your name is—?" said I. "Conkling—Roscoe Conkling," replied the gentleman. I flashed over the wire, "Senator Conkling wants me to stop the limited express for him to get aboard." The answer came back, "How do you know it is Conkling?" Turning to him I said, "Philadelphia wants identification." "Will this do?" he asked, displaying a handsome gold watch with the initials "R. C." engraved on the case. At the same time, either by design or chance, he removed his hat. Grasping the key I ticked these words to Philadelphia: "Letters 'R. C.' on gentleman's watch, but I know he's Conkling by his flaunting red beard and the Hyperion curl of Nast's cartoons." Straightway the sounder rapped, "Stop train, by order H. F. Kenney, General Superintendent." Conkling was profuse in his thanks. As the express shot around the curve with him safely on board, he made a courteous gesture of farewell to me.

Thomas Corwin and Mr. Conkling were very friendly, and they had what may be called bonds of oratory and poetry between them.

During the summer recess of Congress, Messrs. Conkling and Corwin once met on one of the Ohio River steamboats. The night was warm, and the state-rooms were too close for comfort during the early part of the evening. They sat together on deck and entered into a poetic "duel," *i. e.*, each challenged the other to quote poetry. Mr. Conkling was very fond of the poets, and his memory had been cultivated in that direction. In early life, at his father's house in Albany, his brothers and sisters would often in the evening gather around a table and see who could recite the greatest number of verses beginning with the

letter A., and so going through the alphabet. Among other things, Mr. Corwin challenged Mr. Conkling to describe death in a poem. The latter, being very young and of such strong frame, never contemplated that subject, and replied that he knew but little of funeral poetry. Pausing a while he mused, and then recited the five verses of Mrs. Barbauld's hymn beginning—

How blest the righteous when he dies,  
When sinks a weary soul to rest!  
How mildly beam the closing eyes,  
How gently heaves th' expiring breast!

Mr. Corwin in reply repeated the following lines from Sir Walter Scott's *Rokeby*:

And now, my race of terror run,  
Mine be the eve of tropic sun!  
No pale gradations quench his ray,  
No twilight dews his wrath allay;  
With disk like battle-target red,  
He rushes to his burning bed,  
Dyes the wide wave with bloody light,  
Then sinks at once—and all is night.

Mr. Conkling fortunately had committed to memory much of Mr. Corwin's famous "bloody hand" speech on the Mexican War. He paid his friend the compliment of reciting several pages of it.

These gentlemen were so much absorbed by their poetic combat that they lingered on deck till

the dawn ; and even then the conversation was so engrossing that they did not part until driven below by the scorching sun, which was rapidly rising above the trees on the bank of the Ohio River.

Mr. Conkling once asked one of his Senatorial friends : " Which is the most important letter in the English language ? " On the other's answering, " I give it up," Mr. Conkling said, " The letter ' O '." He then slowly recited the last two lines of a favorite poem—*The Lament of the Captive*, by Richard Henry Wilde, *viz.*,

On that l-o-n-e shore loud m-o-a-n-s the sea,  
And n-o-n-e, alas ! shall mourn for me !

of which the concluding verse is :

My life is like the prints which feet  
Have left on Tampa's desert strand ;  
Soon as the rising tide shall beat,  
All trace will vanish from the sand ;  
Yet, as if grieving to efface  
All vestige of the human race,  
*On that lone shore loud moans the sea,*  
*But none, alas ! shall mourn for me !*

The Washington correspondent of the New York *Tribune* has lately published the following story of Mr. Conkling :

There is in Washington a cripple who earns a meagre living by peddling news among the regular correspondents. In the last Presidential campaign he saw Mr. Conkling at Chamberlain's and asked him for an interview. Mr. Conkling replied, with his usual abruptness, that he never permitted himself to be interviewed ;

that he was out of politics, and nothing he could say would be of the slightest interest to the public.

"You are mistaken about that, Senator," was the reply of the cripple. "If I could get a good interview with you it would be \$25 or \$30 in my pocket. Every correspondent on the 'row' would buy it of me."

"Do you want to make that amount of money?" asked the Senator.

"I do, indeed," was the reply. "Things are pretty dull in Washington now."

"Very well," said Mr. Conkling, "I will give you an interview, although I have not done such a thing for a long time, and have frequently declared that I would never talk with a reporter again."

Inviting the cripple to his room, Mr. Conkling called for a pen and paper and wrote out his views on the political contest, which were widely published, and attracted a great deal of comment at the time. As he finished he handed the manuscript to the cripple and said: "There is your interview; and I have only two conditions to make: one is that you sell it for the very highest possible price to as many newspapers as possible, and the other is that it be printed exactly as it is written."

The following anecdote of Mr. Conkling was given by a citizen of Utica to the author for publication:

Roscoe Conkling had some traits of amiability and frolicsome joyousness that are common enough, yet, in a person so exalted as he was, are well worthy of notice in a general way, for he was a very boy in feeling and action when surrounded by those he delighted to entertain. I remember on one occasion at a symposium, when the ice was brought in he looked at it askance and saw it was too coarse, whereupon he said to the attendant: "Bring in a large napkin." The attendant did so. Mr. Conkling spread the napkin, put in it the larger lumps, then gathering the whole into a slung-shot shape, he began to chuckle, and said: "Here's a dilemma. Never mind, B.'s head is hard enough;" but turning quick as thought, he threw up the window and thrashed the ice on

the stone sill till he had reduced the mass to the required granulation. Then, after imbibition, he entertained the company with the most jocund fun that I ever listened to. It did not matter, on such occasions, whether one or ten were sitting with him, he was equally exuberant and inspiring. I think, however, that I never saw him so hilarious as he was on the occasion of his reception when he returned from Europe. It was about eleven o'clock P. M., after all the hard work of talking an hour or more from the porch of his home to the assembled thousands, and another hour of hand-shaking with them, when he came into the house, where a large company awaited him, his face as fresh and radiant as that of a youth come to a Christmas holiday; and then the fun began as he passed around and quizzed those with whom he was most familiar. Wine was brought in, but the servants were slow at un-bottling; this he saw, and went at once to the baskets and uncorked bottle after bottle, himself serving his friends with wine. With repartee and joke he kept up the fun without showing the least sign of weariness. On the contrary, the parting shots he gave in the hall in dismissal at a "few short hours ayant the twal" were the best of all, and drew from the retreating crowd most hearty shouts of laughter.

Soon after Mr. Conkling's political retirement he became the counsel of the Northern Pacific Railroad Company. He went occasionally to Washington on professional business, and once visited the Department of the Interior in behalf of the above-named company. One of the departmental clerks gives the following reminiscence of the ex-Senator:

One day I was sent for by the Secretary of the Interior to come to the room of his private secretary, and make out a few commissions. They were appointments of commissioners to examine and report upon a completed section of the Northern Pacific Railroad in Washington Territory. I was attached to the



appointment division of the Secretary's office, and usually did the writing upon these parchments. Arrived at the ante-room, I found a very pleasant and polite gentleman, who seemed interested in the appointments, and who remained seated near me at the desk. We were together nearly an hour, during which I tried to be as civil as he was, and had several opportunities to offer him slight courtesies.

The work was rather tedious, as it required careful engrossing to be able to get a lengthy title into a small space. He seemed struck with my lettering—which had to be very small—and complimented me several times on the neatness of the execution. At the end of an hour he left the room, and went to another part of the building, where he was engaged several hours longer. When I had completed the work and was about leaving for the day, my civil friend made his appearance, hat and umbrella in hand, and said, "I have come to bid you good-bye, and thank you for your politeness." Whereupon he shook my hand heartily, and left the apartment. "Who was that?" I asked of the messenger outside. "That! why, don't you know him? It's Roscoe Conkling!" was the reply.

1881-1888.

## CHAPTER XXXV.

MR. CONKLING AS A LAWYER IN NEW YORK.

NOW that Roscoe Conkling is numbered with the silent majority, an examination of his merits and ability as an advocate and counselor at law will be in place.

His career was a twofold one. He was both a lawyer and a statesman. He was less conspicuous as an advocate only for the reason that his greater reputation in both Houses of Congress had given him a wider reputation than could have been secured in the narrower arena of the court-room. Yet in all these places he was equally in his sphere and equally great. If his audiences at the bar had been as large as they were in the Houses of Congress and the political forum, he would have been no less distinguished as a lawyer than he was as a parliamentary debater and orator. Unfortunately, too few of his numerous arguments in the court-room have been preserved. The biographer has found but one before the year

1874. It has been already given, namely: the "summing up" in the theological libel suit of Sawyer against Van Wyck (see Chapter XII).

Mr. Conkling's life was largely employed in exposures of fraudulent and corrupt transactions. Prominent among these were the Haddock court-martial in 1865, the re-organization of the Republican party in the city of New York in 1871, his arraignment of the Tweed Ring, the suit of *Marié et al.* against Garrison, and the investigation of the Broadway Railroad Company. He had a constitutional antipathy for sycophants, cowards, hypocrites and corruptionists. So marked was his reputation that when he entered the court-room the fact was announced in the newspapers. None of his professional brothers were ever so noticed. The most trivial circumstance relating to Mr. Conkling was considered as important enough to record in the daily journals.

From 1867 to 1881 Mr. Conkling was but little employed in professional work. The greater part of each year was occupied with Senatorial duty; and during the recesses of Congress he rarely tried a cause. In the political campaigns he placed his time at the disposal of the Republican State and National Committees. If he had devoted himself to the bar from his youth without engaging actively in politics, he might have been the

rival, as an advocate and counselor, of such men as Daniel Webster, Rufus Choate, Daniel Cady, Luther Martin and Charles O'Connor. Several of the obituary notices of Mr. Conkling defined his strong points, as consisting of cross-examination and in addressing the jury.\* The lawyers in the metropolis, however, who knew him best declare that he was well versed in the principles of law, and very familiar with equity jurisprudence. In presenting points to the Court, and in the application of the rules of evidence, he was powerful. He had quick reasoning faculty and was able at once to form correct conclusions. With sufficient time for preparation, no lawyer surpassed him in the analysis and clear presentation of his case. He stated his facts with great force and eloquence. He was also habitually disposed to elaborate adornment of his style.

Upon constitutional questions he was an acknowledged authority. His long term of service in both Houses of Congress made him very familiar with the federal statutes.

He entered upon the practice of his profession in the metropolis under circumstances the most discouraging. New York abounded with lawyers

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\* Witnesses dreaded his cross-examination. In 1885 a chemical expert who was soon to be cross-examined as a witness by Mr. Conkling came to the author and said, "Tell the ex-Senator not to be too hard on me while I am on the stand."

of merit and ability who had not been able to earn a livelihood. Mr. Conkling had left the Senate broken in health and deeply embarrassed pecuniarily. It might be long before he would be able to give himself a place among the eminent counselors of the New York bar.

Under such disheartening conditions, in November, 1881, Roscoe Conkling opened an office in two small rooms at No. 31 Nassau Street.

The first person who came to see him on business was Mr. Jay Gould, who waited upon him early one morning at his hotel. Soon after came Thomas A. Edison, the inventor.

Indeed, he had been confident from the first, that if he regained his strength, that he would achieve a successful career. Nor did he proceed without a fixed plan. His purpose was to act as counsel in trying and arguing cases for other lawyers, and he adhered to it with a few exceptions where he appeared as attorney of record. He received several very favorable proposals to enter into partnership, but declined them all. Probably he thus secured a greater income than his share would have been in the receipts of a large firm. His rooms were upon the third floor, next the office of Messrs. Blatchford, Seward, Griswold & Da Costa. Mr. Clarence A. Seward, the head of the firm, was an old friend; and at his advice Mr.

Conkling had been induced to take these rooms for the time, till his health should improve. Indeed, many of his friends were apprehensive that he would not regain his usual strength. For months he was not able to do much work. He would come daily to his office, and then was obliged to decline business because of his inability to perform it. This was very distressing to him, for he was in actual need of the money. He was too conscientious, however, to accept retainers unless confident of being able to render the stipulated service.

In the afternoons he would go up-town, walking incessantly, in the hope that the exercise might enable him to eat and sleep. He disliked to ride, especially upon the elevated railroad. The curiosity of other passengers was an intolerable annoyance. Friendly strangers, also, were carefully watchful, lest some enemy should do him injury. That year President Garfield had died from such a cause, and his assailant was awaiting his trial. Perhaps some one of like character would seek revenge on the man whom the President had offended. Mr. Conkling himself feared nothing ; time, he declared, would straighten all things. No man walked the streets of New York who was more respected than Roscoe Conkling.

In the autumn of 1882 he opened an office in



the United Bank Building, at the corner of Wall Street and Broadway. To that office he removed his law books from Utica. Till this time Mr. Seward had permitted him the free use of his library. About the same time Mr. Conkling left his rooms at the Fifth Avenue Hotel and engaged others in West Twenty-ninth Street, next the building of the Bar Association. Here he might be found at night studying some intricate legal question, unless he was at his office in consultation with clients. He in this way procured much business from being accessible in the evenings. Lawyers and others too much engaged during the daytime could rely upon finding him at his rooms or in the library of the Bar Association.

His wide experience in public affairs was of far greater value to him than if he had been, during the previous quarter of a century, confined to the ordinary routine of practice. His advice was sought in matters of importance, which, nevertheless, were not in litigation.

The cases which he argued in the courts were always important ones. The plan which he had adopted, of acting only as counsel, necessarily caused only the difficult cases to be brought to him. Lawyers would of course employ him only when they needed his superior ability. At first he accepted "general retainers." He soon noticed,

however, that the persons giving them did so in order to prevent him from appearing on the other side, and employed their favorite lawyers to manage the suits. He at once discontinued the practice, remarking that he did not propose to have his guns spiked in that way.

Business now came to him from unexpected quarters—from absolute strangers, from persons opposed to him politically, from pronounced Democrats. The most gratifying fact in his experience at the bar was the confidence and respect shown him by the Democratic judges in New York. He used to remark that they were not afraid to decide in his favor when they thought him right, nor to oppose him when they thought him wrong.

He made a specialty of no class of cases. As occasion required he appeared in all the courts. In railroad litigation and in suits growing out of large financial transactions he did a large business. In patent causes also he had an extended practice, which frequently required his presence at Chicago, Washington, Boston and other distant points. Wherever he went the court-rooms were crowded with a multitude eager to hear him. He often appeared before the Commissioner of Patents at Washington, and on these occasions many of the clerks deserted their desks to hear his arguments.

The last cause that he had argued in the United States Supreme Court, before he resigned from the Senate, was that of the Pacific Mail Steamship Company *vs.* the United States in the winter of 1881. The plaintiff had a contract to carry for ten years the mails from San Francisco to China and Japan for \$500,000 per annum. The Postmaster-General and the Court of Claims had both decided against the Company. At this juncture Mr. Conkling was retained by the plaintiff.

No other comment is necessary than the following allusion by Mr. Justice Miller (who rendered the decision) in speaking of this case after his death :

It gives me pleasure to say that I knew Mr. Conkling quite well during the whole period of his life in both branches of Congress. \* \* \* He had occasional cases in our court from his earliest entrance upon his Congressional career. \* \* \*

One of the most important cases that I ever heard Mr. Conkling argue displayed in a remarkable degree his tact, skill and ability as a lawyer. It was the case of the Pacific Mail Steamship Company *vs.* United States, reported in 103 U. S., 721. It involved nearly a million of dollars, which was claimed by the Steamship Company for carrying mail, under contract with the United States, from San Francisco to Yokohama. The Post-Office Department and the Court of Claims had rejected the claim of the Company on the ground that mail had not been carried in the class of vessels which the acts of Congress and the contract required, viz., that they should be such vessels as could be converted into war vessels for the navy.

Until the closing argument made by Mr. Conkling it seemed to me, and I think to most of the court, that the Court of Claims

was right. But Mr. Conkling, in his most masterly analysis of the acts of Congress on this subject, and of the two contracts made by the Postmaster-General with the Steamship Company, demonstrated so clearly that the vessels furnished by the Company for carrying the mails which had met the approval of the Postmaster-General were in substantial accord both with the requirements of the acts of Congress and with the contracts, that the opinion of the court was unanimous in reversing the judgment of the Court of Claims, and allowing the Company all that it had claimed except one trip, which had been performed in a substituted vessel not of the proper character. I have always thought it was a remarkable evidence of legal skill and ability. I do not mention it as a case standing alone, for Mr. Conkling, to my surprise, instead of relying, as many men do, upon his natural ability as an orator and his quick perception of the points of a case, was *always* well prepared, both in regard to the facts and the points of law, showing an industry and care equal to that of any lawyer practicing at the bar.

In February, 1882, Mr. Conkling, unexpectedly to himself, was nominated by the President as Associate Justice of the Supreme Court of the United States. The following correspondence upon this subject took place between him and Mr. Arthur :

WASHINGTON, Feb. 21, 1882.

MY DEAR MR. CONKLING:

It is my wish to send your name to the Senate for the vacant judgeship in the Supreme Court. If you will consent to this it will give me more satisfaction than I can tell you.

Pray do not let the fact that you have recommended the nomination of your friend Mr. S. affect your decision in any way, for it is not my intention to make that nomination, although I have for him great regard and admiration. I will say this to him at any time, that he may know that your acceptance did not in any way interfere with him. I had hoped to have opportunity

Washington

February 1882

My dear Mr. Greeley

I have your letter of the 14th before me and am glad to hear that you are so well. I have been very busy lately, but I have managed to find time to write you a few lines. I am sure you will find them of some interest. I have been thinking much of late about the future of our country, and I am sure that you will be of the same mind. I have been reading much of the history of our country, and I am sure that you will find it very interesting. I have been thinking much of late about the future of our country, and I am sure that you will be of the same mind. I have been reading much of the history of our country, and I am sure that you will find it very interesting.

Very truly  
yours  
Wm. D. Howells



Washington

February 24, 1852

My dear Mr Cushing

I presume you are much surprised at my action today, especially as I said to you in my letter of day before yesterday that I wanted "to make the nomination next week, on Monday if possible". After writing to you I had consultation with several of your friends

Yours Truly  
Rose Cushing  
New York



friends, - Senator Jones  
Judge Field, the Secy  
of State, the O M Guild  
& others; & upon the urgent  
suggestion of the two first  
named; they all agreed  
& advised that I make  
the nomination at once  
& so it was made.

I trust that you  
will understand it  
& will not disapprove

Faithfully Yours

Chester A. Arthur

*[The page contains faint, illegible handwriting, likely bleed-through from the reverse side.]*

Robert L. Jones

Charles A. Winter

to talk this matter over with you fully, but I could not get to New York this week as I intended. I wish you would come over and make me a visit. Can you not do so now, for a few days at least? It would give me great pleasure.

I would like to make this nomination next week, Monday if possible.

Faithfully yours,

CHESTER A. ARTHUR.

The Honorable ROSCOE CONKLING.

A second letter was received from the President, which is given in *fac-simile*.

Mr. Conkling was confirmed by the Senate, and he then declined in the following letter :

No. 29 Nassau Street, }  
NEW YORK, March 3, 1882. }

MR. PRESIDENT: Absence prevented prompt acknowledgment of your two esteemed letters which were found here awaiting my return from Utica.

The high and unexpected honor you proffer by selecting me as Associate Justice of the Supreme Court of the United States is greatly valued. It will ever be matter of pride and satisfaction that you and the Senate deemed me fit for so grave and exalted a trust. But for reasons which you would not fail to appreciate I am constrained to decline.

Although urgent demands on my time just now prevent my accepting your cordial invitation to pass a few days with you in Washington, let me hold this as a pleasure deferred and not lost.

I have the honor to be, sincerely, your obedient servant,

ROSCOE CONKLING.

TO THE PRESIDENT.

In the spring of 1882 Mr. Conkling had so far recovered his strength as to be able to give attention to all the legal business entrusted to him. The first case of considerable importance in which he

appeared in court after coming to New York was that of the "freight-handlers' strike" on the New York Central and Hudson River, and on the New York, Lake Erie and Western railroads, which occurred in June, 1882. Upon the petition of the Attorney-General, supported by the affidavits of certain shippers of merchandise, orders were granted by the Supreme Court in New York, requiring the railroad companies to show cause why a peremptory writ of mandamus should not issue, requiring them forthwith to resume the discharge of their duties as common carriers by receiving and transporting all freight offered or already received for transportation. Mr. Conkling supervised the preparation of the case for the defendants, with Mr. Loomis, general counsel of the Company, on the part of the New York Central and Hudson River Railroad, and ex-Judge W. D. Shipman for the Erie.

Mr. Conkling made an able and interesting argument, and was applauded by a crowded courtroom—many then hearing him for the first time in court. The application came up for hearing before Judge Haight, of Buffalo. After deliberation the Court denied the application.

At about that time a representative of the Apollinaris Company, of London, came to New York on business for the extensive importation of

mineral waters. He sought Mr. Conkling's advice, and after several consultations the latter was engaged to take the entire charge of all their legal business in this country. He continued to act as their counsel throughout, and realized a handsome income from this source alone.

He had been retained as one of the counsel for the "Glucose" suits soon after coming to New York. He worked upon these considerably, but did not argue them. The cases were still pending at the time of his death.

He was also retained in the famous *Jesse Hoyt Will* case on behalf of the contestant, Miss Mary Irene Hoyt, only daughter of the deceased, who by the will was to enjoy the use only of one million dollars out of an estate estimated to be upward of ten million. He continued in the case for some time, but finally withdrew from it.

Mr. Gould had employed him the winter previous, and frequently asked his advice in business matters. Mr. Collis P. Huntington, connected largely with various railroad enterprises, always had business for Mr. Conkling. They were warm friends.

At the October (1882) term of the United States Supreme Court, in the case of the Cook County National Bank *vs.* United States, Mr. Conkling established for his client the principle that the United



States have, under section 3466 of the Revised Statutes of the United States, no priority in payment of a demand against an insolvent bank. He succeeded in reversing the decree of the court below. He was also retained in the great oleomargarine case, which he afterward argued at Kansas City, Mo., where he created far greater excitement than the case itself did. It was virtually a holiday, and all business was practically suspended there. People had come from places twenty miles distant to see Roscoe Conkling. They looked at him and followed him and watched him at his dinner. Boys climbed into the trees and men upon the fences to look and hear through the windows of the court-house. It was as good as a play to hear Mr. Conkling describe such occurrences and laugh about them afterward.

It will be seen that at the end of this, his first year, Mr. Conkling was not without very substantial reasons for encouragement, without mentioning the famous California railroad tax cases, so called, the leading one of which he had been employed to argue at the instance of Mr. C. P. Huntington. This case, the county of San Mateo *vs.* The Southern Pacific Railway Company, argued December 19, 1882, was probably the most important case he ever argued in the United States Supreme Court. It involved grave constitutional questions.



When the later cases (Santa Clara County, and others) were reached, some time thereafter, S. W. Sanderson, George F. Edmunds and William M. Evarts appeared for the defendants. Before the arguments proceeded the Chief-Justice said: "The Court does not wish to hear argument on the question whether the provisions of the fourteenth amendment to the Constitution (which forbids a State to deny to any person within its jurisdiction the equal protection of the laws) can be applied to the protection of corporations in the matter of taxation; we are all of the opinion that it does."

This statement by the Chief-Justice was a final decision of one of the questions argued by Mr. Conkling.

In the summer of 1883 Mr. and Mrs. Conkling and a few chosen friends took a flying trip into the Yellowstone region, then for the first time accessible to the public through the completion of the Northern Pacific Railroad—a branch line running near to the National Park. Mr. Villard, the president of the company, placed his private car at Mr. Conkling's disposal, and amid such luxurious surroundings it would, indeed, have been strange had not the trip proved, as it did in every way, a most delightful one.

In describing the journey, one of the party writes as follows:

His good-humor and gracious kindness to all were conspicuous features of the trip, and the most persistent of reporters or roughest of cowboys shared alike his cheerful *bonhomie* and politeness.

He seemed to be an object of great curiosity and admiration at the outposts of civilization, and at every dreary little station on the Minnesota or Dakota plains a crowd was awaiting the arrival of the train, all eager to see and hear from Senator Conkling. I can see him now, that towering, majestic form, *facile princeps* in any throng, upon whom even the soil and dust of travel seemed to leave no stain, standing in his splendid glowing manhood amid that strange assemblage gathered from many a clime and nation of either hemisphere. "We've come a long way to see you, Senator," said one enthusiastic cowboy; "we'd rather see you than Barnum's circus, any day."

Arrived at the terminus, as far as then completed, of the branch road along the Yellowstone River, the party was landed late at night at the foot of a range of mountains which had to be scaled before food or shelter were obtainable. It was a cheerless and forlorn outlook that confronted us—the ascent of one of the spurs of the "Rockies" in a lumbering stage-coach, drawn by horses quite unused to the narrow, dangerous road, whose driver had been over it but once before, and who darkly hinted at probable "road agents" lurking at every turn to demand our money or our lives. It was then that Mr. Conkling's nerve, pluck and indomitable courage asserted themselves and conquered the dilemma. "I will drive," said he; and, seated on the box, he *did* drive that tired, anxious party safely through the intense darkness, along the verge of awful precipices, past mountain torrents whose weird rushings fell on frightened ears as we lurched and rumbled on through the sage-brush, feeling that at any moment we might be precipitated hundreds, perhaps thousands, of feet into some yawning, impenetrable chasm. Once the harness broke, and we were obliged to stop at a small hut on the mountain-side for help. The ladies were so fatigued that they begged to alight and seek shelter there, but this was deemed imprudent, as truly it was. Presently we saw several suspicious looking desperadoes emerge from the cabin, who insisted on accompanying us for some

distance, booted, spurred and heavily armed, their lanterns flashing in and out of our eyes as they passed and repassed the coach with some familiar word or jest. We dared treat them only with the utmost politeness, and finally when, to our infinite relief, they rode off into the darkness, we felt we had had almost as narrow an escape from them as from the natural terrors of the way. Not far from dawn the light of a little road-side cabin gleamed upon our path, and rest and security were ours at last.

Arriving, as we did next day, at the Mammoth Springs Hotel, we found it still in a most unfinished state—an enormous shingle palace in process of construction. The first name upon its register was “Roscoe Conkling,” and he and his party enjoyed the rather questionable felicity of opening the hotel to the public.

It was a little uncanny, to be sure, to be consigned to a room thirty feet square—the future drawing-room—in which the two or three necessary articles of furniture were disposed at magnificent distances, and where the one small candle burned blue in the mist arising from damp plaster and mountain vapors. It was not with a sense of extreme luxury that we performed our ablutions with towels stiff from the packing-cases, or lay down to rest between unhemmed sheets just torn from the piece, and beneath counterpanes on which the trade-mark, an enormous black eagle, spread his wings and seemed to suggest freedom from the trammels, perhaps, of an effete civilization. It was, however, a novel and entertaining experience which in the retrospect none of us would willingly forego.

Several days were spent in exploring the “Wonderland of America,” a region so familiar of late to the public through photography and descriptive narrative that a detailed account of the experience is unnecessary. Suffice it to say that the charms of the magnificent scenery were continually enhanced by Mr. Conkling’s genial personality and wealth of appreciative criticism, by his large store of anecdote and his poetical and historical treasures. Retracing our way by daylight a few days later, we saw how numerous and narrow had been our escapes, and viewed with horror the wheel-tracks passing within a few inches of measureless abyss or madly roaring stream. Truly that clear and brilliant intellect was more than adequate for life’s sternest

emergencies, grandly competent to direct the wayfarer or the nation in peril or perplexity.

The return trip was rapidly and pleasantly made, some of the cities of the great West and a glimpse of Niagara having been taken in *en route*, and soon our four thousand miles of travel were a thing of the past, the Senator was hard at work again in the great city, and the rest of us were rehearsing in our respective homes the incidents of the delightful journey, its thrilling adventures and hair-breadth escapes, and telling of the boundless kindness, humor and address of him who was the originator and promoter of all our enjoyment.

While in the Yellowstone Park, Mr. Conkling received the following characteristic letter :

COLUMBUS, O., Sept. 13, 1883.

MY DEAR CONKLING:

When I read in the newspapers, those indisputable vehicles of truth, that you, being in the Yellowstone Park and needing a hot bath, jumped into a boiling geyser and thereby lost your skin, I could not help fearing that you were in the condition that Proctor Knott's Jewish mother thought her son to be in when, having caught him eating a "hog sausage," she told the rabbi that "Isaac must surely *be outside of his mind.*" And now comes your letter to-day to confirm my worst apprehensions. I never pretended to show you the *Southern Cross*. I never have seen it myself—have never been where I could see it. And had I been, and you at my side, I would not have shown it to *you*, for your morbid dislike to everything Southern would have made you blasphemously declare that it is an emblem of the Devil instead of being an emblem of Christ. And, then, it seems that you and B—— held a symposium and mourned over the Democratic ignorance. By Jove! this is good. At the Hot Springs in Va., N. Lat. 38, in the month of September, I showed you the Constellation Cygnus—the Swan—commonly called the "*Northern Cross.*" To do so, I set you face to face with the Polar Star. Did you think, when facing the *North Star*, that you were looking *south*? Or did you suppose that the *Southern Cross* was north

of the Equator? If not, how could you suppose that I was showing you the *Southern Cross*? And, then, brother B——'s mind has been torn up at the revelation of my ignorance; but is it not strange that he did not immediately correct my error when you told him that I had shown you the Southern Cross in the neighborhood of the North Pole? What caused brother B—— to take time to consider and consult a geography of the heavens and then write you a learned letter to warn you against trusting to Democratic ignorance? What remarkable *Republican learning* you and B—— have displayed! *You* looked at the North Star and thought you saw the Southern Cross some degrees above it. *He took time to find out* whether you were right or wrong, and, after consulting the authorities and possibly the Professor of Astronomy at Harvard, came to the conclusion that you had been deluded by the teachings of an ignorant Democrat. Conkling, if Newton had been a Democrat, would you believe in the law of gravitation? Had Herschel been a Democrat, would not you and B—— have stoutly affirmed that the nebulae he discovered were mere patches of fog? Think of these things, my friend, and conclude that not even a Democrat would attempt to show the Southern Cross from the Hot Springs, Va. I rather think that I ought to send a copy of this letter to B——. He was in sufficient distress before, under B's reign in Massachusetts, without your aggravating his sorrows by your picture of Democratic ignorance. Ought I not to give peace to his soul?

Yours very sincerely,

A. G. THURMAN.

In this connection the biographer received from Mr. Thurman the letter which is here inserted in *fac-simile*.

Once more in New York, Mr. Conkling engaged in his professional work with renewed energy.

One of the law cases which best tested the ex-Senator's original power, was the famous case of



Marié and others *vs.* Garrison,\* pending in the Superior Court of the city of New York, and submitted for trial to a referee (Theodore W. Dwight). The claim of the plaintiffs was for damages to the amount of some five million dollars, and the questions of law involved were numerous, novel and intricate. They grew out of the foreclosure of a mortgage on one of the great Western railroads, which Mr. Conkling was fond of calling "the New York Central of the West." It was the present Missouri Pacific Railroad. The plaintiffs had been stockholders in the company.

Mr. Garrison had, as they asserted, promised to bid for them at the sale, which included both real and personal property. Garrison purchased the property for himself, and repudiated all obligation to hold it for the benefit of the purchasing committee of stockholders, and alleged that if he made any promise it was not binding on him by reason of failure to comply with the rule of the statute of frauds, requiring the contract to be in writing. There were writings, but they were asserted not to be sufficient. Out of this general state of facts arose a great variety of questions, such as the right of *stockholders* to redeem from the mortgage as distinguished from that of the

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\* Concerning the construction of the statute of frauds, the case of *Marié et al. vs. Garrison* must be considered the leading case in American jurisprudence.





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company, as well as the right of stockholders' assignees buying by way of speculation, upon the results of the action. The statute of frauds in Missouri and that of New York differed in material respects, and it became necessary to construe each and to determine which was applicable. Trust questions presented themselves which were not at the time fully decided. Questions of evidence required elaborate discussion.

All of these points were treated by Mr. Conkling, who was the leading counsel for the plaintiffs, with the hand of a master. He was opposed by George F. Comstock, one of the ablest counsel of the State, who, on this occasion at least, met his equal. Mr. Conkling, who had not long been out of the Senate, attracted much public attention during the trial. At times he was witty and discursive; at other times, sharp, and incisive; always good-humored, and with all his resources at command.

This trial was a thorough and decisive test of Mr. Conkling's powers, for though he had the assistance of able junior counsel in the preparation of the case, he stood for the most part alone in the active work of the trial, in opposition not only to Judge Comstock, but to other leaders of the bar, including in the later stages of the case Joseph H. Choate.

This case was begun in April, 1878, in the Superior Court of the city of New York. The defendant served a demurrer, which, at special term, was overruled. An appeal was then taken to the general term, which reversed the decision of the judge below. Finally the case was carried to the Court of Appeals, which reversed the decision of the general term and affirmed the judgment entered at the special term of the Superior Court. The answer was served and issue joined in February, 1881.

In the spring of 1882 Mr. Conkling was retained as senior counsel for the plaintiffs. The case was sent to the Hon. Theodore W. Dwight as referee, and the arguments began June 18, 1883. Mason W. Tyler opened for the plaintiffs. He was followed by Roscoe Conkling, who made an oral argument September 17, 18 and 19, which fills 190 printed pages. Two brief extracts from it are given in the chapter on "Oratory" (page 422).

Mr. Conkling's argument was upon the motion of the defendant to exclude evidence of the contracts alleged to have been made with the plaintiffs by Mr. Garrison, and at issue in this case, on the ground that they are contrary to the statute of frauds of New York, and if not so, against the provisions of the statute of Missouri.

On September 25 and 26 Henry L. Clinton

made a long argument in reply. On November 9 the referee delivered an opinion covering one hundred printed pages. It is an exhaustive discussion of the statute of frauds in both States. Many cases in the English and American law reports are cited, and the referee thus concludes: "On the whole, the motion to exclude the evidence is denied." This long opinion may be regarded as the standard authority upon the construction of the statute of frauds in the above-named States. It is reported in full, with copious foot-notes, in *Abbott's New Cases*, vol. 13, pp. 210-328.

When Mr. Conkling and his associates rested their case, the counsel for the defendant moved to dismiss the complaint. On February 14, 1884, Melville C. Day opened the argument. The referee then filed an opinion, which fills fifty printed pages, denying the motion to dismiss. Then the necessary testimony was taken.

This case was one of intense public interest. It was said that well-known Wall Street gamblers were at the bottom of it. The sessions before the referee were always attended by newspaper reporters.

In May the defendant applied to a judge of the Supreme Court for a writ of prohibition to prevent the referee from going further with the case.

The judge held the papers near six months and then denied the application. A motion to remove the referee was afterward made and denied. Thereupon the defendant (together with other parties who were interested), having been beaten at every turn, settled this long suit in the spring of 1885 by the payment of one million dollars. Mr. Conkling's fee amounted to fifty thousand dollars.

A striking illustration of Mr. Conkling's energy, ability and readiness in encountering any unexpected difficulty is shown in the following statement made by the junior counsel in this suit, Mr. Tyler.

\* \* \* We had not expected that that question of the statute of frauds would be precipitated at that stage, and had not made any particular preparations to meet it. \* \* \* Upon the part of the plaintiffs it was understood that Mr. Beach would prepare himself thoroughly for this argument, and that Mr. Conkling need not burden himself with it. The case was adjourned in the latter part of June to the middle of September, on the understanding that the argument upon the statute of frauds should proceed at that time. When we met in September, Mr. Day and Judge Comstock each made long and labored arguments, lasting several days, upon the statute of frauds; and it then transpired that Mr. Beach, owing to the condition of his health, had not made any preparation during the summer; and after the argument had proceeded for two or three days on the part of the defendants, he announced to Mr. Conkling that he was unable to make that argument, and that he (Mr. Conkling) must reply to Mr. Day and Judge Comstock. This was a matter of surprise to Mr. Conkling, but he went to work with a will, and with such assistance as I



could render him, to prepare himself for that argument. Mr. Day had a printed brief of something like one hundred pages, and Judge Comstock had prepared a printed brief of thirty or forty pages, as I remember it ; and I think in about four days' time Mr. Conkling prepared his reply, listening to their arguments during the middle of the day each day, and working afternoons and evenings in preparing himself to answer them. He was occupied three days with the delivery of his argument, speaking from three to four hours each day; and all who heard it thought it was a most brilliant effort on his part. \* \* \*

Judge Donohue, by an alternative writ of prohibition, had delayed the case for five months, and Messrs. Conkling and Tyler wondered why the Judge did not decide it. Accordingly, with a view to expedite matters, they addressed the following letter to him. It had the desired effect, for the learned justice gave his decision three days afterward !

NEW YORK, October 22, 1884.

HON. CHARLES DONOHUE, *Justice of the Supreme Court.*

Five months ago yesterday, by your order, in form of alternative writ of prohibition, this case pending in the Superior Court was arrested and the plaintiffs tied fast.

As preliminary objection, it was at once suggested to you that as the Superior Court confessedly had jurisdiction of the case, a writ of prohibition based upon alleged errors in rulings on the trial was legally impossible.

This preliminary objection has been under your consideration during all this time, and still there is no decision.

Great hardship and injury have resulted, which, we cannot suppose, being brought to your notice, will enable you to reconcile it with your sense of justice longer to defer a decision.

The suit is for several millions, which have been due since 1876.

Under cover of your order staying the case, and of the delay already referred to, the defendant has made a general assignment of all his property for the benefit of creditors; and day by day the plaintiffs are being damaged in their rights, and their remedy endangered.

Saying nothing of still other harm which has come from such unexpected procrastination, we feel authorized, and indeed bound, to respectfully bring the matter to your notice, and to submit that fair regard to the administration of justice requires an immediate disposition of the question so long pending before you.

Very respectfully,

Your obt. servants,

ROSCOE CONKLING, } *of counsel.*  
MASON W. TYLER, }

Whether Mr. Conkling could have been induced to re-enter public life, if he had lived, is a matter of controversy. His personal declarations upon the subject were generally of the nature of a denial. The following letter, written in the Presidential campaign of 1884, is explicit, and evidently unequivocal :

NEW YORK, July 12, 1884.

*My Dear Sir:* A week's absence will excuse my delay in thanking you for your letter.

You are aware, perhaps, that the professional relations I have assumed not only tax my time pretty fully, but have imposed obligations which would stand in the way of participating in the canvass, even if inclination prompted my doing so.

Indeed, it is not likely that I shall ever take part in politics again, unless in answer to some call of duty, or some occasion such as is altogether improbable. With kind regards,

Cordially yours,

ROSCOE CONKLING.

He was accused of having worked secretly for the election of Mr. Cleveland. According to his usual practice, he made no reply to these aspersions. He, nevertheless, was not unwilling to disabuse, promptly, his personal friends. He wrote a letter upon the subject to Mr. Fanton in January, 1885; but when that gentleman asked permission to make it public as a reply to his adversaries, he positively refused. The letter, however, was printed in 1889 (after his death), and reads as follows :

2 WALL STREET, January 7, 1885.

*My Dear Sir :—*You have my thanks for your kind and pleasant article. An impression, plainly implied, shows that you have fallen into an error of fact, which it seems worth while to correct. I had absolutely nothing to do with the late Presidential controversy from first to last. Indeed, since 1881 I have had nothing to do with any political movement whatever. It was long insisted by a number of persons that my prominence in politics was injurious to the Republican party. The time came when this belief was acted on and I was relegated to private life. My action since has been only a quiet acceptance of the event and the fact. Thus you will see it is plainly erroneous to ascribe to me retaliation, or responsibility for results, unless such responsibility is found in my not contesting the will of the party and not attempting to regain the place or position which was taken away with much violence of condemnation. Wishing you a happy New Year,

Cordially yours,

ROSCOE CONKLING.

The following incident of Mr. Conkling's legal life shows his courtesy to his fellow members of the bar.

In the winter of 1885 John F. McIntyre, a rising lawyer in the city of New York, was arguing in the Supreme Court a motion growing out of a suit upon an administration bond. The subject of this memoir dropped into the court-room and listened attentively to Mr. McIntyre's argument. After he had finished, Mr. Conkling stepped up and complimented him upon his presentation of the law affecting the case. Mr. Conkling then submitted to his new acquaintance several questions which he said he would soon argue before the court in the Erie Railway litigation, and he thought that some of the authorities cited by Mr. McIntyre went toward maintaining the position he would claim in his case. He also desired Mr. McIntyre to state his opinion, after telling him the facts, and asked him for his brief. Feeling highly flattered, Mr. McIntyre willingly handed him a copy of his brief, and also expressed his opinion regarding its relevancy to the cases cited by him to the proposition presented by Mr. Conkling. Shortly afterward Mr. Conkling requested his new acquaintance to call at his office, as he wished him to look at a point he was about to present in his own case, and to see if in his judgment the cases cited by him (Mr. McIntyre) bore out his theory. Mr. McIntyre visited Mr. Conkling at No. 2 Wall Street and spent two hours with him. Soon afterward he received from Mr. Conkling a check for \$150, with a note stating that inasmuch as he had been kind enough to give him the information he sought, and that he had deemed it valuable to him, he must insist upon giving a counsel fee. All this was a surprise to Mr. McIntyre, for he thought that the check represented an amount far in excess of the value of his services. He never expected any compensation, but simply regarded the entire transaction as one of professional courtesy between lawyers.

In December, 1885, Mr. Conkling defended the publisher of the New York *World* in an interesting libel suit. Action had been brought by a milkman in Brooklyn for the publication in the *World* of the report of the Health Department as

to the condition of his stable. In commenting upon it that journal charged the plaintiff with selling impure milk.

The trial lasted three days and attracted much attention. Mr. Conkling was successful, for the suit was discontinued by the consent of both parties, and on motion of the plaintiff's attorney an order of dismissal was entered. In the following year the *World* was sued by William R. Grace for libel. Mr. Conkling appeared for the defendant, and in due time his answer was published, occupying *six columns* of that journal. The case has not yet been tried.

Indeed, during his residence in the city of New York, the subject of this memoir appeared in so many important cases that a full description of them would fill this volume. Two more causes only will be mentioned—the franchise of the Broadway Railroad Company; and Farnsworth, Receiver of the Bankers' and Merchants' Telegraph Company *vs.* The Western Union Telegraph Company.

The Special Committee of the New York Senate to investigate the corrupt method of granting a franchise to the Broadway Railroad Company met in the city of New York February 6, 1886, and sat until April 10.

The following Senators composed the Commit-

tee : Henry R. Low (chairman), Edward C. Walker, Jacob W. Hoysradt, Charles L. Knapp, Henry C. Nelson, James F. Pierce, Edward F. Reilly.

Roscoe Conkling and Clarence A. Seward acted as counsel to the Committee, and George Bliss, L. E. Chittenden and Richard S. Newcombe appeared for various witnesses.

The testimony filled 1,640 printed pages.

Then the counsel made elaborate arguments before the Committee at Albany. Messrs. Seward and Conkling were victorious, and the charter of the railroad company was repealed.

Another very important case which came to Mr. Conkling was the suit of Farnsworth, Receiver of the Bankers' and Merchants' Telegraph Company against the Western Union, which was tried in the New York Supreme Court before Judge Lawrence. Robert G. Ingersoll and Mr. Conkling appeared for the plaintiff; and Joseph H. Choate, ex-Judge Dillon and Aaron J. Vanderpoel for the defendants. The trial lasted six weeks during June and July, 1886. Mr. Conkling was allowed three hours to sum up, and finished three minutes under his time. He recovered a verdict of \$240,000. Excepting the case of Marié against Garrison, this was the largest sum that Mr. Conkling ever recovered. A lawyer who attended this trial said to the author, "Mr. Conkling surprised us all by



coming to New York when upward of fifty years old, and, in face of so much competition, acquiring such a large and lucrative practice."

As the result of six years of constant toil he not only paid every obligation, but amassed, for a lawyer, a large fortune. From time to time he argued causes in the States of Missouri, Illinois, Massachusetts, Connecticut and New Jersey, but toward the close of his life he refused many retainers in those States, and confined his practice chiefly to the courts of New York and of Washington.\*

The late Chief-Justice Waite said to a friend of Mr. Conkling that upon coming to Washington he was prejudiced against the latter, and that the prejudice was increasing. He had thought that Mr. Conkling was a politician, rather than a lawyer. In the first case which Mr. Conkling argued before the Supreme Court after Judge Waite's accession, he sought to have a decision of the lower court reversed. It was a very knotty question, but Mr. Conkling won his case. After that the Chief-Justice said, "No man ever came into our court who was listened to with more undivided attention than Roscoe Conkling."

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\* It is worthy of remark that, immediately after Mr. Conkling's death, two of his clients wrote to Utica inquiring about the pecuniary condition of his family, and offering to provide for them. The generous proposal was declined with thanks.

As to comparing Mr. Conkling with his legal contemporaries, the opinions of the following eminent jurists may be quoted (see pp. 63, 64):

Ex-Judge Hooper C. Van Vorst of the New York Supreme Court says :

His services were deservedly in demand in the important cases which engaged the attention of the courts. His arguments and appeals always commanded the attention of the tribunal before which he appeared.

In these contentions he always had arrayed against him the foremost lawyers and skilled advocates. That fact is of itself suggestive of his standing among his professional brethren, and of his reputation in the State.

The Hon. Rufus W. Peckham of the Court of Appeals states :

As an advocate he took rank among the very first in the whole country. His high personal character, his distinguished abilities, and the great part he played in the legislative department of the country at a time when such department was engaged in the conduct of the most important matters that have come before it during its existence almost, all entitle him to a foremost place in the eyes of his countrymen.

The Hon. Nathaniel Shipman of the United States District Court for Connecticut writes :

I thought him a great and profound lawyer, and that he would have been in the front rank of his profession at any time or place. He did not have the accurate learning of Judge B. R. Curtis, or the great wealth of legal knowledge of Mr. O'Connor, but I was exceedingly surprised to see how much he had retained after his long Congressional career. His affluence of language and of illustration was great ; but he had a wonderful power of statement, and he was an inventor in the art of decorating his statement so as to make it attractive.

The Hon. George F. Comstock, formerly of the New York Court of Appeals, writes :

In the lines of eloquence at the bar to which his genius was best adapted, I think he has had no superior in my day.

Senator William M. Stewart (of Nevada) remarks :

Mr. Conkling, in my opinion, had no superior at the American bar in the trial of causes where the amount or principle involved was sufficient to interest him. He had no equal as an accomplished and effective debater in the United States, either at the bar or in the halls of Congress.

His legal career in New York was unique. We have seen that as soon as his bodily strength enabled him, he took his place at the bar and wrestled successfully with its ablest counselors. He was in fair way to win emolument as well as distinction. The annual receipts of his practice in the metropolis exceeded \$50,000, and were steadily increasing, when death ended his earthly career. What might have been, if he had lived longer, can hardly be conjectured. He was distinguished, his powers were widely known, and wherever he appeared he was felt to be the chief. He might have won greater distinction as a lawyer ; but there was no higher place for him in public life. He had made himself too great for official eminence to exalt him further. Age would have chastened many of his characteristics into

greater suavity and gentleness. He would always have been much admired and beloved. Stricken down in the very midst of activity, the telegraph had no sooner flashed the sad news over the continent than the response was universal : " A prince and a great man is fallen this day in Israel."

MARCH—APRIL, 1888.

## CHAPTER XXXVI.

### CONCLUSION.

THE great blizzard of March 12, 1888, will long be remembered. Men in the metropolis were unable to reach or return from their places of business, or even to communicate with them ; the mail service was interrupted, and wayfarers abroad were unable to get to their homes. Those who succeeded did so only after a terrific encounter with the storm, and through streets almost impassable by the drifting snow.

Among other way-bound pedestrians on that eventful twelfth of March was Roscoe Conkling. He had succeeded in reaching his office in the morning, but when the time came to return to his lodgings the condition of the streets as well as the weather forbade the attempt. How he reached his destination is best described by himself :

There wasn't a cab or carriage of any kind to be had. Once during the day I had declined an offer to ride up-town in a carriage because the man wanted \$50, and I started up Broadway on my pins. It was dark, and it was useless to try to pick out a path, so I went magnificently along, shouldering through drifts, and headed for the north. I was pretty well exhausted when I

got to Union Square, and wiping the snow from my eyes, tried to make out the triangles there. But it was impossible. There was no light, and I plunged right through, on as straight a line as I could determine upon. Sometimes I have run across passages in novels of great adventures in snow-storms; for example, in stories of Russian life, where there would be a vivid description of a man's struggle on a snow-swept and windy plain; but I have always considered the presentation an exaggeration. I shall never say so again, for after what I encountered in last night's blizzard I can believe that the strongest description would fail to approximate the truth. I had got to the middle of the park and was up to my arms in a drift. I pulled the ice and snow from my eyes, and held my hands up there till everything was melted off so that I might see; but it was too dark and the snow too blinding. For nearly twenty minutes I was stuck there, and I came as near giving right up and sinking down there to die as a man can and not do it. Somehow I got out and made my way along. When I reached the New York Club at Twenty-fifth Street, I was covered all over with ice and packed snow, and they would scarcely believe that I had walked from Wall Street. It took three hours to make the journey.

Many have supposed that the fatigue and exposure of that terrible night were the immediate cause of his mortal illness. He was certainly much exhausted, but he continued for more than a fortnight to attend to business. Mr. Henry Melville, his associate, has given this true explanation: "It was not the bitter experience," he declares, "it was a cold contracted in a lawyer's office on March 29. Mr. Conkling complained of the chilly room, but he would not leave till the consultation had closed."

He never rallied from this. He was unable to



work, and compelled, reluctantly however, to summon medical aid. His suffering was intense. The physicians were of opinion that there was an abscess in the brain, and that an operation was necessary to afford relief. Dr. Henry B. Sands accordingly made an opening through the skull, but the benefit was only temporary. At this time he wrote the following letter

THURSDAY, April 5, 1888.

*My dear Mr. Belmont :*

If I finish this note to you it will be the strongest sign of improvement since I fell into darkness and disorder.

The wine, yes, I shall like that very much for several reasons. Your visit has been a frequent and consoling recollection. Your afterthought of me makes such impression as could be made only on one who has undergone what seems a limitless agony.

When my senses return, if they ever do, I'll come to correct the stumbles of this. Always your friend and servant,

ROSCOE CONKLING.

AUGUST BELMONT, Esq.

This was the last writing that he ever performed. He lingered until about two A. M. on Wednesday, April 18, when death came to end his sufferings.\*

Soon after the sad news was flashed by the electric wires all over the country, telegrams and messages of sympathy and condolence began to come in, even from far distant Texas and Nebraska. They came from the highest and the lowest: from

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\*During his illness many messages of sympathy were sent, one of which was a despatch signed by thirteen Democratic United States Senators, all but two being ex-Confederate officers. It may be added that the chaplain of the House of Representatives prayed for his recovery.

the White House at Washington, that sent its tribute of flowers, to a few poor negroes that met obscurely in a corner, and sent their resolutions, laboriously constructed perhaps, but warm from their glowing hearts, to honor him that had always stood by them, no matter amidst what obloquy or against how many foes.

There were also eloquent obituary notices of the departed statesman in the *London Observer*, the *London Standard*, and other British journals. The *London Times* had published reports of his condition, daily, during the last two weeks of his life.

The brief but forcible tribute of the Manhattan Club was as follows :

The voluntary close of Roscoe Conkling's long and illustrious political career, a member of the Federal Legislature, four times elected to the House of Representatives and thrice to the Senate, left unclouded his title to our fellowship as to our pride. That he had waived the highest diplomatic functions; that he had declined the first judicial office; that he had resigned the highest Senatorial trust—these were marks of a character unique in force and style. That he was of stainless honor through an era of corruption, of unquailing hardihood in a day of desertions and disaster; that he was sincere, manly, constant, incapable of disloyalty to a party or a friend; that in seven years after his return to private life he had rebuilt a fortune shattered in friendly service, meanwhile, in the judgment of the bar of this metropolis, rising to its foremost rank without envy and without dispute—these are distinctions beyond the power of antagonists to withhold, or of partisans to confer.

MANTON MARBLE, *President.*

DAVID B. GILBERT, *Secretary.*

The following obituary in the New York *Herald* is a fair index to the public appreciation of the man :

The death of Roscoe Conkling is not an incident but an event. Truly the Fates are stern and grudge the Republic her noblest sons. Grant, Garfield, Tilden, O'Connor, Logan, Manning, Washburne, Phillips, Emerson, Beecher, Waite—so many we deeply grieve to spare—and how many more, dear to us for their wisdom and valor, their piety, wit and learning—men with so much to do, as it seemed to our mere human eyes. But their work was done. For them no more was appointed. We turn from their new-made graves to mourn another in Mr. Conkling, to be remembered with the most eminent of them all.

As a political influence rather than as a political leader, Mr. Conkling will be honored. He was not born to lead a modern democracy. He was Coriolanus rather than Rienzi—a master, not a tribune. The arts of modern leadership—tact, compromise, recognition of the limitations and weakness of devoted friendship—were unknown to his haughty spirit. He rather led the leaders of men—the centurions, the captains of the fifties—who were attracted by the force of his character and followed him from admiration of his picturesque and splendid genius.

The intense honesty of Mr. Conkling became often intolerance. There was no bending that intrepid will. His devotion to a principle or a friendship was that of Loyola and not of Talleyrand. His controversies made history. Nor will history say that in these controversies Mr. Conkling was right and his opponents wrong. They were eminent, patriotic men; pure in motive, and quite as apt to be sincere as himself. But there was no compromise in the nature of Roscoe Conkling. His friends were his friends, his enemies were his enemies. Aiming ever at the highest ideal of chivalry, whatever failed to reach that ideal was unworthy of his esteem.

Mr. Conkling did not die too soon for his fame, but too soon for recognition. Americans had grown to be intensely proud of this superb, high-principled, supremely-gifted statesman; to look upon him as a model leader, eminent in experience, probity,

eloquence. His very faults were looked at as an extreme expression of virtues so little seen among public men. In a time of surrender, incapacity, mendacity, mud, compromise and shame the Republican party was turning toward the one man who was too proud to bend to an ignoble suggestion. Republicans, recalling the best days of their ascendancy, weary of government by mobs of drunken adventurers, who called themselves Conventions and bought and sold nominations, were thinking of one who never paltered with the truth for power. Greater than his party, above it in aspirations and in moral tone; cast down from his old leadership in some mood of momentary baseness, time was swiftly bringing recognition and vindication. He had only to wait until the party returned to him—returned, bearing honors which he had won by his genius and lost by his integrity.

This was not to be. He was to die—if true leaders of public opinion like Conkling ever die. The palpable man whom we saw but yesterday, with commanding mien—stern, deep-set eyes, the brows Olympian, the over-whitened hair, the ruddy face eternal in youth and expression, vigor, genius, grace—personal beauty personified; the orator, scholar, the implacable opponent and tumultuous man of affairs, has gone, but the impalpable spirit remains. We have lost the most aggressive leader in American politics since Clay and Webster died, thirty-six years ago. But he is not dead. His life remains an incentive, an example—let us say an admonition. For it may be well to remember as an admonition that in any public career pride, intolerance, and the Swift-like gift of withering invective may retard or prevent opportunities of lustrous service to the Commonwealth. But even so, generations will come and go before the example of this extraordinary man, his eloquence and learning, his undaunted devotion to truth, his purity and courage, his uncompromising patriotism, his scorn of cant and deception, will be forgotten. A masterful, imperial soul has passed away, leaving a name which Americans will not soon let die.

From far-off Omaha came the following eloquent appreciation of his character. It was delivered by Mr. C. J. Greene at a meeting of citizens

three days after Mr. Conkling's death. Having read the resolutions Mr. Greene said:

The shafts of envy and of malice have all been aimed at him, and to-night they lie broken and harmless at his grave, under a drift of tender and loving messages from warm and grateful hearts in every part of his native land. Roscoe Conkling is at rest: at rest, the kingly form which a few days since towered above the masses in all the grace and splendor of its imperial dignity; at rest, the brilliant and commanding intellect which for more than a quarter of a century, in all the fierce and bitter contentions of his political and professional career, maintained its influence and supremacy, unquestioned and unrivaled; at rest, the indomitable and unconquerable spirit which no obstacle could appall, no misfortune disturb, no defeat intimidate, no calamity subdue. Ended are his conflicts, his triumphs and defeats. Silent the magic voice that never sounded a retreat or uttered one complaint against the malignant fates that wrecked the hopes and ambitions of a lifetime. Into the shadows of the deep and insoluble mystery his heroic spirit has taken its final flight, leaving as a rich legacy the lesson so seldom taught in public life, so hard to learn—the irresistible force and moral grandeur of perfect honesty.

In future years the youthful student of history will turn to the pages which record the brilliant exploits of our military heroes, and the names of Grant, Sherman, Sheridan and Logan will fill his young heart with the burning desire to emulate their heroic deeds upon the crimson fields of glory. He will turn to other pages and read how listening Senates yielded to the spell of matchless oratory, and the names of Adams, Clay and Webster will fill his mind with visions of eloquence and applause; and then, turning to another page, he will read of him whose death we mourn to-night; of his magnificent presence, his peerless intellect, his unrivaled speech, his marvelous command of men, his distinguished services to the State, and, more than all, of his *stainless character*, and whatever aspirations may animate his breast, the name of Roscoe Conkling will incite him to seek glory only in the *paths of honor*.



The Legislature of his State paid him appropriate honors. It adopted resolutions in commemoration of the sad event, and ordered a memorial volume to be printed setting forth his character and public services. The two Houses also met in joint session and listened to a eulogy of the dead from the eloquent Colonel Robert G. Ingersoll. It was glowing in praise and exquisite in pathos. The orator concluded with these words :

And as he lived, he died. Proudly he entered the darkness—or the dawn—that we call death. Unshrinkingly he passed beyond our horizon, beyond the twilight's purple hills, beyond the utmost reach of human harm or help—to that vast realm of silence or of joy where the innumerable dwell, and he has left with us his wealth of thought and deed—the memory of a brave, imperious, honest man, who bowed alone to death.

The body lay till the ensuing Friday morning, and was visited by numerous friends and admirers. Mr. Frank B. Carpenter, the artist, came to pay his respects, and thus describes the countenance of the dead statesman :

I never saw a more beautiful dead face. It was like sculpture; it was like the head of a god. The symmetry, the clean, clear cut of the features and the majesty that was upon the brow was something almost unparalleled. I can recall no such face outside of the classic, the antique. It seemed even finer in death than it was in life.

On Saturday the remains were removed to Utica to receive the last sad offices. While the



casket stood in the large hall of his late residence, more than five thousand inhabitants of the city and region came to pay their tribute of respect to the illustrious dead.

The Senator's remains were followed to the beautiful Forest Hills Cemetery by his male relatives and the pall-bearers, who had been his life-long friends.

He was laid in the conservatory encircled by fragrant flowers. His body now rests in the soil of the county of Oneida, whose citizens gave him the opportunity for public service, and to whose interests he was devoted throughout his long and honorable career.\*

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\* Mr. Conkling, during his lifetime, greatly admired these lines from *Childe Harold*. They are remarkably expressive of his lofty aims in life, as well as appropriate to its closing scenes:

My task is done—my song hath ceased—my theme  
 Has died into an echo: it is fit  
 The spell should break of this protracted dream.  
 The torch shall be extinguished which hath lit  
 My midnight lamp—and what is writ, is writ—  
 Would it were worthier! but I am not now  
 That which I have been—and my visions flit  
 Less palpably before me—and the glow  
 Which in my spirit dwelt is fluttering, faint and low.

THE END.

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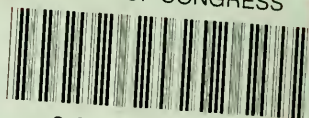








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